

Hegel's  
Critique  
of Kant's  
Moral  
and Political  
Philosophy

THE FOUNDING ACT OF MODERN ETHICAL LIFE

I D O G E I G E R

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ETHICAL LIFE

*Hegel's Critique of Kant's Moral  
and Political Philosophy*

*Ido Geiger*

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*To my mother and father  
and to Aviv  
with love*



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## *Abbreviations*

### Kant

- CBH “Conjectural Beginning of Human History.” In *Anthropology, History and Education*. Edited by Günter Zöller and Robert B. Loudon, translated by Allen W. Wood. Cambridge: Cambridge University Press, 2007.
- CF “The Conflict of the Faculties.” In *Religion and Rational Theology*. Edited by Allen W. Wood and George di Giovanni, translated by Mary J. Gregor. Cambridge: Cambridge University Press, 1996.
- CJ *Critique of the Power of Judgment*. Edited by Paul Guyer, translated by Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press, 2000.
- CPR *Critique of Pure Reason*. Edited and translated by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1997.
- CPpR *Critique of Practical Reason*. In *Practical Philosophy*. Edited and translated by Mary J. Gregor. Cambridge: Cambridge University Press, 1996.
- Gr *Groundwork of the Metaphysics of Morals*. In *Practical Philosophy*.
- IUH “Idea for a Universal History with a Cosmopolitan Aim.” In *Anthropology, History and Education*.
- MM *The Metaphysics of Morals*. In *Practical Philosophy*.
- OIT “What Does It Mean to Orient Oneself in Thinking.” In *Religion and Rational Theology*.
- PP “Toward Perpetual Peace.” In *Practical Philosophy*.
- R *Religion Within the Boundaries of Mere Reason*. In *Religion and Rational Theology*.
- TP “On the Common Saying: That May Be True in Theory, But It Is of No Use in Practice.” In *Practical Philosophy*.
- WE “An Answer to the Question: What Is Enlightenment?” In *Practical Philosophy*.

## Hegel

- EL *The Encyclopaedia Logic* [Part One of the *Encyclopaedia of Philosophical Sciences*]. Translated by Theodore F. Geraets, Wallis A. Suchting and Henry S. Harris. Indianapolis: Hackett Publishing, 1991.
- FK *Faith and Knowledge*. Translated by Walter Cerf and Henry S. Harris. Albany: State University of New York Press, 1977.
- GC *The German Constitution*. In *Political Writings*. Translated by Hugo Barr Nisbet. Cambridge: Cambridge University Press, 1999.
- H-Werke *Werke* [in 20 Bänden]. Edited by Eva Moldenhauer and Karl M. Michel. Frankfurt: Suhrkamp-Taschenbuch Wissenschaft, 1986.
- L *Hegel: The Letters*. Translated by Clark Butler and Christiane Seiler. Bloomington: Indiana University Press, 1984.
- LFA *Hegel's Aesthetics: Lectures on Fine Arts*, 2 volumes. Translated by T. M. Knox. Oxford: Clarendon Press, 1998.
- LHP20/21, LPH23/28 *Introduction to the Lectures on the History of Philosophy*. Translated by T. M. Knox and Arnold Vincent Miller. Oxford: Clarendon Press, 1985. LHP20/21 refers to the transcription of Hegel's 1820–1821 lectures; LHP23/28 refers to the 1823–1824 1825–1826, and 1827–1828 lectures.
- LPH *Lectures on the Philosophy of World History*. Translated by Hugo Barr Nisbet. Cambridge: Cambridge University Press, 1975 [The Introduction to Hegel's *Lectures on the Philosophy of History*].
- LPHI *Lectures on the Philosophy of History (1827–1831)*. In *Political Writings* [Part IV, Section 3: "The New Age" of Hegel's *Lectures on the Philosophy of History*].
- NL *On the Scientific Ways of Treating Natural Law, on Its Place in Practical Philosophy, and Its Relation to the Positive Sciences of Right*. In *Political Writings*.
- OW "On Wallenstein." In H-Werke 1.
- PCR *The Positivity of the Christian Religion*. In *Early Theological Writings*. Translated by T. M. Knox. Philadelphia: University of Pennsylvania Press, 1971.
- PhS *Phenomenology of Spirit*. Translated by Arnold Vincent Miller. Oxford: Oxford University Press, 1977.
- PM *Philosophy of Mind* [Part Three of the *Encyclopaedia of Philosophical Sciences*]. Translated by William Wallace and Arnold Vincent Miller. Oxford: Clarendon Press, 1971.
- PR *Elements of the Philosophy of Right*. Edited by Allen W. Wood, translated by Hugo Barr Nisbet. Cambridge: Cambridge University Press, 1995.
- SC *The Spirit of Christianity*. In *Early Theological Writings*.
- SL *Hegel's Science of Logic*. Translated by Arnold Vincent Miller. Atlantic Highlands: Humanities Press International, 1989.

- VPR<sub>17/19</sub> *Die Philosophie des Rechts: Die Mitschriften Wannenmann (Heidelberg 1817–1818) und Hoemeyer (Berlin 1818–1819)*. Edited by Karl-Heinz Ilting. Stuttgart: Klett-Cotta Verlag, 1983.
- VPR<sub>18/19</sub>, VPR<sub>21/25</sub>, VPR<sub>21/23</sub> and VPR<sub>24/25</sub> *Vorlesungen über Rechtsphilosophie*. 4 volumes. Edited by Karl-Heinz Ilting. Stuttgart: Frommann Verlag, 1974; VPR<sub>18/19</sub> refers to Hegel's lecture notes for 1818–1819 in volume I of Ilting; VPR<sub>21/25</sub> refers to Hegel's lecture notes for 1821–1825 in volume II of Ilting; VPR<sub>21/23</sub> refers to the transcriptions of Hegel's 1821–1822 and 1822–1823 lectures by H. G. Hotho in volume III of Ilting and VPR<sub>24/25</sub> refers to the 1824–1825 transcriptions by K. G. von Griesheim in volume IV of Ilting.
- VPR<sub>19/20</sub> *Philosophie des Rechts: Die Vorlesungen von 1819/1820*. Edited by Dieter Henrich. Frankfurt: Suhrkamp Verlag, 1983.

The numbers following Kant's works all refer to the standard edition of Kant's works, which appear at the margins in the English translations: *Kant's Gesammelte Schriften*, edited by the Royal Prussian (later German) Academy of Sciences, Berlin: Georg Reimer (later Walter de Gruyter).

The numbers following Hegel's EL, PhS, PM and PR indicate section numbers. In PR and EL "R" stands for a remark (*Anmerkung*); in PM, PR and EL "A" stands for an addition (*Zusatz*). References to Hegel's letters cite dates. All other numbers following references to Hegel's works are page numbers.

Multiple references are ordered chronologically.

An asterisk (\*) indicates that I have altered a translation. The symbol appears after a word, phrase or punctuation mark amended, or after a whole sentence or quote, where I have retranslated it.

Where an English quote refers to a German source, the translation is mine.



## THE FOUNDING ACT OF MODERN ETHICAL LIFE





## Introduction: Morality, Abstract or Concrete?

A fault line seems to traverse the ground of morality. Viewed from a distance, we can draw it quite clearly. On its one side lies the inhospitable mountain range of deontology and the cold peaks of consequentialism and Kantianism. Beyond them, always behind a shroud, we can never really make out Plato's form of the good. On its other side we find settled plains and views of morality that draw on the character and action of living human beings and existence in their cities; there we hear of the virtuous person and the shape of a good human life or community. Common to the mountains is the idea that to act morally we must first rise to grasp a highly abstract principle or law and very general duties that ought to guide our lives. In the plains, the shared conviction is that our life and action reveal that we already possess a sure grip on the manifold ways in which human life is good. For the people of the plains the mountains seem uninhabitable, their thin air of abstraction unable to support any actual form of human life. For the people of the mountains, their opposite number lead the uncritical life of tradition, their ears stopped to the call of the higher law. Viewed from a distance, it seems we must choose between living on one side of the fault line or the other.

From closer up the terrain looks somewhat different. What seemed to be a natural divide is discovered to be manmade, a battleground in fact, both sides trying to seize what they cannot do without. The abstract seek to descend from the heights of theory to the plains of actual human life.

A universal law from which particular moral duties cannot be derived is empty. Against them, the charge of the plains tries to secure a justification of their shared life that the lofty vantage point of theory alone promises. Action not submitted to the critical scrutiny of reason cannot claim to be moral. Must we choose between abstract universality and concrete particularity in morality or can a position be found that reconciles their seemingly conflicting claims? Is this a necessary dilemma? If it is, what is its significance?

I called the dilemma a battleground. It is characteristic of wars that the two opposing sides have very different conceptions of their conflict. The banner of universality proclaims that moral laws do not bind us because we happen to live in this rather than that political state, move in certain social circles, have certain personal relations with particular people or happen to like this or that. Moral obligation is absolute. For this reason moral values are necessarily universal in form; they hold for all, in any given situation, and so their formulation must abstract from everything that distinguishes different people and situations. Abstraction is therefore necessarily the trope of moral laws. The banner of particularity, on the other side, declares that moral values are practical, and they must direct action through the particular events of particular lives to be practical. Thus, moral values are necessarily concrete, incarnate in life and action.

Both these thoughts are highly compelling, indeed foundational for moral thinking. Why do they fall into conflict? Seen from the side of universality, the insistence on particularity holds the danger of acting unreflectively, and so possibly acting on laws that ought not to be followed. Moral agency cannot consist only of an acquired ability to recognize and to be moved to act immediately by the relevant features of familiar situations. Moral agents ought also to have the capacity to do the same in unfamiliar situations and to see their action in these different circumstances as bound by the very same laws. It is, crucially, the capacity to recognize precisely what is wrong with the form of life we have inherited and to be moved to act against it. Immediate action, so the objection goes, necessarily involves a loss of critical distance and so denies us the promise of real moral change.

On the side of particularity, the thought is the opposite one: Critical distance necessarily entails a loss of the ability to act immediately. To think of moral laws and duties abstractly is to pose a theoretical question

that can never be answered adequately. It cannot be answered adequately because the insistence on the universality of moral laws opens a rift between universal law and action. This rift has to be bridged, so that an agent can cross from law to action. Without announcement, a certain sort of situation is placed at center stage. In these situations the moral law is not immediately practicable, because the way of life of a community does not immediately settle the question of what is the right thing to do. The problem with universality and focusing exclusively on such questions is that it makes every moral action dependent upon reflection. It places agents outside the realm of action, their first task: breaking into its sphere. And this is to have the wrong picture of the practical sphere. It is not that we first conceive of values as abstract conceptual entities and ask how to act on these values. Our first grasp of values is concrete, for they already shape our practical life. This point should not be taken as an epistemological point only. It is a conceptual truth. For the very significance of the values we know is embodied in the way of life and action we share.

Can both the demand of abstract universality and the demand of concrete particularity be given their due? Can they be reconciled? I argue in this book that Hegel's critique of Kant's moral and political philosophy is an attempt to answer these very questions.

The first part of the book (Chapters 1–3) takes up the question of Hegel's charge that Kantian morality is empty. Chapter 1 begins with a familiar picture of Hegel's critique of Kant's moral philosophy. According to this picture, Kant is the foremost proponent of the demand of universality. For him, every particular moral duty is to be derived by employing a single criterion: "act only in accordance with that maxim through which you can at the same time will that it become a universal law." Kant's famous categorical imperative is the one source from which alone the particular content of morality is to be derived. Against Kant, Hegel is drawn as a proponent of the view that the particular content of morality is already given to us, incarnate in the form of life and action we share. Indeed, in stark contrast to Kant, Hegel is sometimes thought to be a relativist about values, for different historical epochs and different societies enact different values. This picture, I claim, does justice neither to Hegel, nor to Kant, nor consequently to Hegel's criticism of Kant. Kant does not think that the content of morality is to be derived from the categorical imperative. He thinks that the content of morality, what our particular duties are, is

well known to all. Nor, I argue, does Hegel read Kant as making such a claim. Focusing on the end of the Reason section of the *Phenomenology of Spirit*, I argue that Hegel criticizes, first and foremost, Kant's theory of moral motivation.

Chapter 2 turns to Kant's theory of moral motivation. Kant thinks that action is moral only if we reflectively make the formal universality of law our motive. Simply put, Kant thinks that moral action cannot be motivated by our immediate inclinations or socially acquired habits, but only by reflectively deciding what universal law ought to guide our action in a given situation. He thereby, Hegel thinks, makes moral motivation radically alien. It can never become our second nature and so determine our immediate response to a situation at hand. Against him, Hegel holds that such immediate action is moral, if its agent has been acculturated within a just society. Thus presented, Hegel and Kant espouse irreconcilably different views of moral motivation, which ultimately stem from deeply disparate views of human nature.

While I accept this reading of Hegel's critique of Kant, I think it overlooks a critical element of Hegel's view. It is to this missing element that the entire book is devoted. Hegel does not reject the Kantian idea that a necessary condition of morality is action that is not immediately determined by our given inclinations and habits. Indeed, he thinks that it is precisely such action that stands as the origin of a shared way of life and the character and action it shapes. It is in his idea of a *founding act* of a form of life that Hegel claims Kant's inheritance. In Chapter 2, therefore, before turning to this idea, I also present Kant's conception of how a moral community is founded. According to Kant, it is through peaceful reform that morality is made into a shared way of life. It is precisely with this claim that Hegel takes issue.

Chapter 3 returns to the transition between the Reason and the Spirit sections of the *Phenomenology* and asks how Hegel conceives of a first or founding act of a shared form of life. Phrased as a reading of the tragedy of Antigone, Hegel's claim is that the founding act of a form of life necessarily passes unacknowledged. Consequently, it is necessarily violent. The founding act goes unacknowledged precisely because it is a first or founding act. It does not yet shape the life people share and the values they acknowledge in action. Indeed, it necessarily goes unacknowledged, for the very significance of value, Hegel thinks, is embodied in the way of life and

action people share. It is only the radical transformation of a form of life that makes possible recognition of new values. The community therefore does not recognize the moral significance of the act that transforms it. On the other hand, only a perfectly self-willed agent, blind to the fact that the significance of value resides in a shared form of life, can effect this radical transformation. The agent and the community the agent transforms are blind to each other. In this sense, the founding act of a form of life is necessarily violent. This is the tragic, violent blindness of the founding act of a form of life.

Part I of the book describes Hegel's conception of a founding act of a form of life. The second asks a further question: Where are there, in actuality, such acts? Before turning to Hegel's political philosophy and philosophy of history to see how he describes the foundation of modern states I present its frame. The question of the founding act of ethical life asks how morality becomes actual in a shared form of life. It is usually assumed that according to Hegel the historical process through which moral reason comes to shape reality is essentially over. In Chapter 4, I take on Hegel's most notorious dictum, "What is rational is actual; and what is actual is rational," and argue that it should be read not as asserting that the rational is at present actual, but as posing a question: How does the rational become actual? This, of course, is the very question of the founding act of ethical life.

I next turn to Hegel's discussion of war and his notorious claim that there is an ethical moment of war. In Chapter 5 I review the extant interpretations of this discussion, found at the end of the *Philosophy of Right*. I quickly set aside the reading of the claim as prescriptive and move on to the received interpretation that takes the claim to be descriptive. In claiming that war is ethical, Hegel aims to render the actual rational, to describe the necessary place of war within the ethical world. According to this reading, it is only in war that citizens take on the higher values of the state. The ethical moment of war is their identification with these values. In war the higher values of the state shape the lives of its citizens and only thereby is morality made actual. This interpretation, I argue, presupposes the wrong view of the relation between individual citizens and the state. The state does not embody higher values than the lives of its citizens. On the contrary, it is in the *ordinary* lives of its citizens that the higher values of the state are incarnate. Second and decisively, Hegel describes war, and

this is a point missed by his readers, as the utter destruction of a state's ethical life. Citizens therefore cannot identify with the standing values of their state in war, for war is the collapse of the actual life of these values. This leads us to ask again: What is the ethical moment of war?

In Chapter 6 I claim that Hegel views the wars of his day as the founding moment of modern political life. I show that his thoughts on war are inextricably linked to his understanding of the French Revolution and its aftermath. He views the Reign of Terror and the Napoleonic wars as the violence which necessarily accompanies the attempt to found a new form of life. The violence of the Revolution and its aftermath is the destruction of the old political order in Europe and the condition of the possibility of the emergence of modern states. This, however, is by no means a justification of war. On the contrary, Hegel views war as the most terrible, lawless violence. It is Hegel's view, however, that the founding act of a form of life is necessarily violent and passes violently unacknowledged by the society it transforms. For this reason precisely he thinks that it is in the violence of the destruction of an old life that a new shape of life is born. But Hegel does not think that the foundation of freedom has been achieved. The rational is yet to be made actual.

Chapter 7 concludes the book by contending with three points. First, it points out that although Hegel's practical philosophy begins with a criticism of the abstraction of Kantian morality it does not end by ridding us of abstraction for good. The necessity of the founding act of ethical life can be characterized as the necessity of acting on the abstraction of the moral law, for to act in the ethical void of war to found a new form of life is to act when the actual content of the moral law has been destroyed. Thus, Hegel comprehends the tragic necessity of abstraction. Second, I claim that the paradox of founding freedom is as old as philosophy itself and is formulated clearly in the first great work of political philosophy, namely, Plato's *Republic*. Finally, the book ends with the persistent question of the performative force of Hegel's political philosophy. Hegel's conception of a founding act might be taken to be only a description of the conditions of the foundation of modern states. I suggest though that it might also be read as sounding the utterly empty call to make the rational actual and found freedom.

## Why Does Hegel Charge Kant's Moral Theory with Emptiness?

In the Introduction I presented two extreme, conflicting demands of morality. The demand critically to assess our values can only be met by utterly denying the practical life we share and deriving anew the content of morality. To rely in any way on given values is fatally to compromise morality. The objective content of morality, therefore, must be derived *ex nihilo*. On the other hand, the demand actually to act can only be met by obeying unreflectively the values incarnate in the life we already share with others. Critically to assess our shared customs necessarily entails losing the ability to act. Moral action is therefore unreflective obedience to the values incarnate in the way of life we have inherited. Kant and Hegel are often taken to be paradigmatic examples of these two unlikely views. In the first two sections of this chapter I present the view of Kant as promising to derive the entire particular content of morality from nothing but his categorical imperative and argue that this view is mistaken. In the third section I argue that it is a mistake to take Hegel to have read Kant in the reductive manner just described. For the purpose of understanding Hegel's criticism of it, Kant's moral philosophy is best read as attempting to balance an intuitive grasp of the content of morality with the demand always critically to assess our motives. Furthermore, Hegel himself by no means denies the necessity of critical, rational legislation and does not hold that any shared form of life is of equal moral worth. I show that Hegel describes his end in moral philosophy as making Kantian morality actual. This raises the



question to which the following three chapters are devoted: What is Hegel's criticism of Kant's moral philosophy; more particularly, what does Hegel mean by claiming that Kantian morality cannot attain actuality and how does Hegel purport to overcome this obstacle? In the fourth section, by reading the end of the Reason section of the *Phenomenology of Spirit*, I argue that the primary target of Hegel's emptiness charge is not the question of the content of morality but of moral motivation. Kant's claim, he holds, is that the only moral motive is reflective recognition of the formal universality of law and that acting on our inclinations is never of true moral worth. Against him, Hegel holds that our inclinations can be rationally shaped by education in a just society; where they have, acting on inclination is of true moral worth. This, however, is not the end of the matter. This raises the question—overlooked by Hegel's readers—of how a shared form of ethical life comes into existence; this is how we are to read Hegel's task of making Kantian morality actual. The action which founds a shape of life cannot be grounded in an already existing form of life and the values it embodies. To this idea the rest of the book is devoted.

## 1. Hegel vs. Kant, The Caricature

We have all come across the following description of Hegel's criticism of Kant's moral philosophy. It is perhaps the most famous battle of the age-old conflict between the morality of formal or abstract laws and duties and morality grounded in actual communities and the lives of their members. According to this description, Hegel charges Kant's moral philosophy with being utterly empty of content, for no particular practical duties can be derived from Kant's categorical imperative to act only on laws that we can will as universal laws.

Hegel first formulates this criticism in his early days in Jena and repeats it in the *Phenomenology of Spirit*, the *Elements of the Philosophy of Right*, the *Lectures on the History of Philosophy*, and the second and third editions of the *Encyclopaedia Logic*. In the *Natural Law* essay (1802–1803) Hegel claims that Kant's notion of practical reason is “completely lacking in any content” (NL 123); in the *Philosophy of Right* he declares that from the point of view of Kantian morality “no immanent theory of duties is possible” (PR §135R); and in the lectures on the *Encyclopaedia* he says that Kant does not

advance a single step in answering the “question of what the *content* of willing or of practical reason is” (EL §54A). His argument to this conclusion is short. Kant promises to derive all moral duties from his famous categorical imperative. But the categorical imperative is nothing but the principle of non-contradiction (NL 123, PhS §431, PR §135R, EL §54). Clearly, however, the “non-contradiction of itself, is empty” (H-Werke 20 368); it is “*identity without content*” (PR §135). No particular practical laws can be derived from the injunction to act only on laws that we can will as universal laws.

This reading is a caricature, and a particularly unfair one at that. Any likeness to Kant is lost in its hastily drawn lines. First, it reduces the entirety of Kant’s practical philosophy to the categorical imperative. Second, it focuses exclusively on the universal law formula of the categorical imperative and ignores its other formulations. Third, it further ignores Kant’s distinction between maxims that cannot be *willed* in universal form without contradiction and maxims that cannot be *thought* without contradiction (Gr 424). By all accounts, the former is a contradiction between a universalized maxim and a logically independent end a person wills; it thus cannot possibly be read as ruled out by the principle of non-contradiction. Last and even more importantly, the interpretation reveals a deep misunderstanding of the universal law formula and what Kant means by a contradiction in thought.

Why would anyone assert that the categorical imperative is nothing but the principle of non-contradiction? When Kant gives an example of a contradiction in thought he does say that the maxim, thought of as a universal law, would “contradict itself” (Gr 422), and, of a different universalized maxim, that it would not be “consistent with itself, but must necessarily contradict itself” (Gr 422).<sup>1</sup> These quotes—viewed out of context—might suggest we read the test as nothing more than the principle of non-contradiction. A closer look, however, cannot fail to reveal that it is not. One of Kant’s best-known examples—and one to which Hegel refers—asks whether the practice of making false promises can be universalized. His answer is that “the universality of a law that everyone, when he believes himself to be in need, could promise whatever he pleases with the intention of not keeping it would make the promise and the end one might have in it impossible, since no one would believe what was promised

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1. Cf., Gr 403; CPrR 27; Hegel quotes this last text in NL 124–25.

him and would laugh at all such expressions as vain pretenses" (Gr 422). Consider here two ways in which this argument has been understood. First, to think of universalizing the maxim of making a false promise when I am in need is to think of a world in which promises made by people in need would be believed by no one. In such a world, satisfying my need, by means of making a false promise, would be impossible. To think of doing so is to propose to take means to achieve an end that cannot be achieved by these means ("it would make *the promise and the end . . . in it impossible*"). There is a practical contradiction here, a contradiction between proposed means and end. For Kant, though, "who wills the end also wills (necessarily in conformity with reason) the sole means to it" (Gr 417). The willed end contains, so to speak, the necessary means ("the promise and the end one might have *in it* [*den Zweck, den Man damit haben mag*]"). So the practical contradiction is, in this sense, a *self*-contradiction.<sup>2</sup> Second, Kant might be saying that in the world imagined promising could not be thought self-consistently ("it would make *the promise . . . impossible*"); for to think of promising in the world of the universalized maxim is to think of a promise being taken as sincere, which, *ex hypothesi*, it will not be.<sup>3</sup>

For the purpose of assessing the caricature reading of Kant it is not necessary to decide between these two interpretations.<sup>4</sup> Examining them reveals that however we understand Kant's argument, it is exceedingly clear that its conclusion relies on the contingent empirical fact that human beings will not believe people in need who have no compunctions about lying. The fact that the contradiction depends on a contingent empirical fact, which is logically independent of the universalized maxim, shows

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2. See, Korsgaard, C. M., "Kant's Formula of Universal Law," in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), 92–94; O'Neill, O., "Consistency in Action," in *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 90–91.

3. See, Wood, A. W., *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 2000), 84–90.

4. For my interpretation of the universal law formula and Kant's notions of contradictions in conception and in the will see, "How Do We Derive Moral Laws?" in *Proceedings of the Tenth International Kant Congress*, ed. V. Rohden (Berlin: Walter de Gruyter, 2007).

that Kant's notion of a contradiction in thought is not the logical principle of non-contradiction.

## 2. Kant's Moral Theory and the Question of Substantive Moral Laws

Reading Kant's moral theory as consisting of nothing but the principle of non-contradiction is a special case of a more prevalent attitude, often inchoate. It is sometimes thought that the aim of Kant's practical philosophy is the derivation of particular moral duties while denying reason any resources with which to make its quest. Most extremely, the thought is that reason must derive particular moral duties *ex nihilo*. This view has never been given a serious defense—as far as I can see—by any reader of Kant, including, as I will argue, Hegel. Nevertheless, it seems to be one of those decisive first impressions that cast a long shadow. It is often, I think, queried in introductory lectures on Kant or makes a brief appearance as a foil in interpretations of his moral theory or given as an equally quick sketch of his views. Mill, for example, famously writes that when Kant “begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct.”<sup>5</sup> The only way to respond to this perception effectively is to give a short account of the way Kant's theory lays hold of particular moral laws.

The best place to start is the universal law formula of the categorical imperative and the so-called problem of relevant act descriptions.<sup>6</sup> The problem is this. Unless we employ the right moral terms to formulate a maxim, the universalizability test will not yield the right results. It has often been claimed that maxims might fail the universalizability test though they express innocent intentions or pass when they do not. For example, maxims that do not express any immoral intention might fail the test for

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5. Mill, J. S., *Utilitarianism*, in *Essays on Ethics, Religion and Society*, ed. J. M. Robson (Toronto: University of Toronto Press, 1969), 207.

6. See, Nell, O., *Acting on Principle: An Essay on Kantian Ethics* (New York: Columbia University Press, 1977), 12–13.

physical rather than moral reasons (we cannot all always hold doors open to others and pass through them last); and maxims formulated in blameworthy ignorance or bad faith might pass the test.<sup>7</sup> Kant's solution to this problem—in Hegel's view—is simple, if only implicitly stated. We know the morally relevant features—the right act description—in (almost) any situation. This is how I think Hegel would have read the following claim.

. . . we have arrived, within the moral cognition of common human reason, at its principle, which it admittedly does not think so abstractly in a universal form but which it actually has always before its eyes and uses as the norm for its appraisals. Here it would be easy to show how common human reason, with this compass in hand, knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty, if, without teaching it anything new, we only, as did Socrates, make it attentive to its own principle; and there is, accordingly, no need of science and philosophy to know what one has to do in order to be honest and good and even wise and virtuous. (Gr 404)

Kant is claiming that ordinary understanding intuitively uses the universalizability test (“this compass”) well before it plunges—if it does—into science and philosophy. But this must mean that we all simply know how to think of a given situation and what maxims to test. For Kant, the moral shape of the world is already our own.<sup>8</sup>

It might seem as though on this reading there is an unreflective, merely conventional element in Kant's moral theory. For clearly the way we formulate the maxims expressing our intentions determines the results

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7. See, Wood, *Kant's Ethical Thought*, 102–7.

8. Although this view is not held by all interpreters of Kant, for present purposes it is sufficient to claim that Hegel attributes it to him. Herman claims that Kant's “agents know the features of their proposed actions that raise moral questions *before* they use the CI [categorical imperative in the universal law formula] to determine their permissibility.” Herman, B., “The Practice of Moral Judgment,” in *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993), 75. More specifically, we know what Herman calls ‘rules of moral salience’: “Acquired as elements in a moral education, they structure an agent's perception of his situation so that what he perceives is a world with moral features. They enable him to pick out those elements of his circumstances or his proposed actions that require moral attention.” Herman, “The Practice of Moral Judgment,” 77. See also my “How Do We Derive Moral Laws?”

of the universalizability test. If we are blind to certain moral features of the world, the test will not open our eyes. If, for example, we do not see another human being as a person, the test will not yield the right moral judgment. It might seem then that relying on the given, ordinary knowledge of the moral shape of our world critically compromises the objectivity of Kant's theory. I will argue, in the following chapters, that from Hegel's perspective this criticism is correct. At this juncture, however, the conclusion is misdirected and too quickly drawn. The thought that relying on our ordinary knowledge compromises Kant's moral theory is a consequence of reducing the theory, in its entirety, to the universal law formula of the categorical imperative and, further, taking its task to be the derivation *ex nihilo* of particular moral laws. It is of the greatest importance not to forget that the universal law formula is only one of the formulas of the categorical imperative. Kant does say that the different formulas are "only so many formulae of the very same law" (Gr 436). But they are not identical. The universal law formula gives the form of the moral law its universality. Kant calls it "the strict method" and says that it is best used for "moral appraisal [*Beurteilung*]" (Gr 436; see also, Gr 424).<sup>9</sup> It is not, however, Kant's formula of choice for describing our duties. Rather, it is an incisive critical tool, best used to see clearly that inclination is tempting us to transgress what we know duty decrees.

If we now attend to ourselves in any transgression of duty, we find that we do not really will that our maxim should become a universal law, since that is impossible for us, but that the opposite of our maxim should instead remain a universal law, only we take the liberty of making an *exception* for ourselves (or just for this once) to the advantage of our inclination. (Gr 424)

It is of great significance that Kant says that "the opposite of our maxim should instead *remain* a universal law." For this strongly suggests that what morality decrees is generally acknowledged. Indeed, Kant never claims that the universal law formula provides a complete answer to the question of what ends agents ought or ought not to make their own. Nor does the derivation of new moral laws appear to be an ambition of Kant's elsewhere (e.g., the Casuistical Questions in the *Metaphysics of Morals* do not conclusively answer the questions they raise). The test *enacts*, rather, the conflict

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9. Cf., Wood, *Kant's Ethical Thought*, 163–65, 187–90.

between a given value and our inclination to make an exception for ourselves and transgress its decree. It is “the strict method” because it most clearly portrays the conflict between our duty, presented as a universal law, and our inclination, and, for this reason, it is best employed critically to appraise our intentions.

It is the formula of humanity as an end in itself that affords us the most immediate grasp of the content or values of morality. Decisive evidence of this is found in the fact that it is Kant’s formula of choice in describing particular duties in the *Metaphysics of Morals*. Now, the idea that to act morally is to make the humanity of men and women your ultimate end certainly sounds inspiring. Nevertheless, the notion of humanity as an end in itself is highly abstract, and Kant’s formal definition of humanity as rational nature or the very capacity to set ends seems to be of little help in this regard. Kant’s use of the notion in describing our duties, however, clearly shows that he thinks we know well its content and so have a sure footing within a substantive conception of value.<sup>10</sup>

For Hegel the task of Kant’s moral theory is not to reveal to us for the first time the particular duties that ought to guide our lives. The commands

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10. Herman claims that our use of the universal law formula presupposes knowledge of ‘rules of moral salience’ (see footnote 8, above). These rules are to be thought of as an interpretation of Kant’s notion of humanity as an end in itself. Herman, “The Practice of Moral Judgment,” 83–93; elsewhere she also speaks, in this regard, of the formula of autonomy. Herman, “Leaving Deontology Behind,” in *The Practice of Moral Judgment*, 227–30, 236–37.

Rawls’s attribution of ‘moral constructivism’ to Kant makes the same move. Rawls does hold that the content of Kantian morality is constructed and that it is constructed using the universalization test. Speaking of construction might sound like speaking of deriving the content of the moral law for the first time. But this procedure, Rawls claims, is grounded in an articulated conception of humanity. The constructivist procedure generates principles and precepts from moral facts and these principles and precepts, in turn, specify how these facts are to count in moral deliberation. Rawls, J., “Themes in Kant’s Moral Philosophy,” in *Kant’s Transcendental Deductions: The Three ‘Critiques’ and the ‘Opus Postumum,’* ed. E. Förster (Stanford: Stanford University Press, 1989).

Other interpreters, working at the same time and indeed often in cooperation, make a similar move. Though to different degrees, Korsgaard and Hill—to name only two very prominent examples—have found the moral substance of Kantian morality both in the notion of humanity and in the notion of a kingdom

of duty are not laws we must derive for the very first time. Our particular moral duties are already in plain view.

It would be premature to try to answer here the question posed in the Introduction: Does Kant's moral theory manage to balance an immediate grasp of the given good, represented by the notion of humanity, and the demand for critical distance, represented by the universalizability test? Hegel's great discovery, I will claim below, is finding a new way of posing our question. It is not directly a question of the particular content of morality. It is a question of the conditions of the appearance of a new shape of shared ethical life. We can already see that this is an appropriate question for Hegel to ask of Kant's moral theory, precisely because he views it as presupposing an immediate grasp of the content of morality. Before turning to Hegel's discovery, we must convince ourselves that the problem of the derivation of the particular content of morality is not the primary target of his criticism.

### 3. Hegel's Notion of Ethical Life as Making Actual Kantian Morality

According to the reading I referred to above as the caricature reading, Kant's moral theory is empty because it purports to derive the content of morality from the universal law formula of the categorical imperative, which is nothing but the logical principle of non-contradiction. But Kant's universalizability test is not the principle of non-contradiction, nor does

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of ends. See Hill, T. E., Jr., "Humanity as an End in Itself" and "The Kingdom of Ends," in *Dignity and Practical Reason in Kant's Moral Philosophy* (Ithaca: Cornell University Press, 1992); "A Kantian Perspective on Moral Rules" and "Donagan's Kant," in *Respect Pluralism and Justice: Kantian Perspectives* (Oxford: Oxford University Press, 2000); Korsgaard, "Kant's Formula of Humanity" and "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations," in *Creating the Kingdom of Ends*.

The claim that the content or value of morality is intuitively available to us through the notion of humanity is most clearly stated by Wood: "We may regard every argument from FH [the formula of humanity] to a general duty as resting on an intermediate premise, logically independent of FH itself, which tells us what a kind of action (or its maxim) expresses or fails to express concerning the worth of humanity." Wood, *Kant's Ethical Thought*, 152.



Kant's use of the test seem to have as its end the derivation *ex nihilo* of the moral content of his theory. If the caricature reading is indeed Hegel's then it is plainly wrong. But is it Hegel's reading?

It is worth saying at the outset of this search that, however difficult it might be to offer an alternative interpretation of Hegel's Kant critique, the very fact that the reading presented above draws such a poor likeness of Kant should be taken as a very strong motive to look for one. Hegel began grappling with Kant's philosophy already in his seminary days in Tübingen and he continued to contend with it throughout his career.<sup>11</sup> He carefully worked through the entirety of the Kantian corpus and became acquainted early in his studies of the practical philosophy not only with the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason* but also with Kant's *Religion Within the Boundaries of Mere Reason*. He knew well Kant's historical and political writings and wrote an analysis and criticism, now lost, of the *Metaphysics of Morals*.<sup>12</sup> These facts clearly speak against resting content with so serious a misunderstanding of no more than a few passages, presumably from Kant's *Groundwork* or second *Critique*.

Second and still generally, it is important to refrain from accepting a prevalent picture of Hegel. (I will discuss this picture at greater length and reject it in the second part of the book.) It is a caricature of Hegel's own practical philosophy which frames the caricature reading of his criticism of Kant. It is well known that Hegel offers as an alternative to Kant's moral theory his own notion of ethical life (*Sittlichkeit*). According to the caricature reading of *this* notion, Hegel rejects out of hand the empty formalism of Kantian morality and its claims to objectivity and offers instead a vision of ethical life that is unabashedly relativist, indeed a vocal defense of the moral and political status quo. Ethical life is the spirit of a nation and its actual social and political way of life. Individuals participate in the ethical life of their particular national community by unreflectively taking on, in Bradley's phrase, their 'station and its duties.'<sup>13</sup> Indeed, this position

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11. See, Pinkard, T., *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000), 33–38 and passim.

12. For a short account of the commentary see, Rosenkranz, K., *Georg Wilhelm Friedrich Hegels Leben* (Berlin: Duncker und Humbolt, 1844), 86–88.

13. "My Station and Its Duties" is the title of the fifth essay of: Bradley, F. H., *Ethical Studies* (Oxford: Clarendon Press, 1927).

is supposed to have led Hegel to take his station as national philosopher to entail the duty of making his political philosophy an apology for the Prussian state.

But this view of Hegel is wrong. Hegel is by no means a relativist in ethics. Like Kant he holds that there is an objective order of values. He holds further that the good is "*realized freedom, the absolute and ultimate end of the world*" (PR §129). Freedom, however, is not realized unreflectively; the good "exists without exception only *in thought and through thought*" (PR §132R). In no uncertain terms Hegel praises the Kantian idea of doing our duty for the reason that it is our duty (PR §133, §133A). Hegel's notion of ethical life is not then the idea that any actual, shared form of life is equally good. Rather, it is the idea that values must be made actual as a shared form of human life. *Hegel's notion of ethical life purports to be Kant's notion of moral duty, made actual as a shared form of life.*<sup>14</sup>

Indeed, from early on Hegel describes his philosophical future in just this way. In early letters to Schelling, he says that he "took up again the study of Kantian philosophy to learn how to apply its important results to many an idea still current among us, or to elaborate such ideas according to those results" (L end of January, 1795), and, more provocatively: "From the Kantian system and its highest completion I expect a revolution in Germany" (L April 16, 1795). In his earliest writings, in a variety of formulations, we find Hegel grappling with the question of the inheritance and actualization of Kant's moral theory.<sup>15</sup>

Reason sets up moral, necessary, and universally valid laws; Kant calls these "objective." . . . Now the problem is to make these laws subjective, to make them into maxims [*Maximen*], to find motives [*Triebfedern*] for them. (PCR 143)

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14. The strongest formulation of Hegel's indebtedness to Kant is Patten's. According to Patten, Hegel's conception of freedom involves two conditions. The second is that an agent have "amongst his determinations the 'particular content' that Hegel associates with objective freedom"; the first, Kantian condition is that "freedom involves abstracting from one's contingently given desires and inclinations and acting on the basis of reason alone." Patten, A., *Hegel's Idea of Freedom* (Oxford: Oxford University Press, 1999), 47.

15. See, Harris, H. S., *Hegel's Development: Towards the Sunlight 1770–1801* (Oxford: Clarendon Press, 1972), xx–xxix; Pinkard, *Hegel: A Biography*, 58–69 and *passim*.

More prominently, as we shall see clearly in the second part of the book, making actual Kantian morality and the grounding of a modern form of ethical life is the task Hegel sets for his own times. This is indisputably the structuring principle of the *Philosophy of Right*. There Morality is the title of the second of the three sections of the work, and Ethical Life the third. The Kantian standpoint of morality is characterized as the opposition between the merely thought idea of the good and the external world; and ethical life as “the *unity* and *truth* of these two abstract moments—the thought Idea of the good realized [*realisiert*] in the internally *reflected will* and in the *external world*” (PR §33). This is also the way Hegel understands, as we shall see, the historical-political plight of his own times in the *Lectures on the Philosophy of History*.

Despite this strong evidence, the claim that Hegel’s notion of ethical life is Kant’s notion of morality made actual—in the maxims and motives, in the internally reflected will of individuals and in the external world—cannot but strike us as wrong. For it seems to contradict the passages we examined above. Doesn’t Hegel repeatedly assert in these passages that Kantian morality is empty of content? If it is empty, what can Hegel mean by presenting his vision of ethical life as making it actual?<sup>16</sup> It will take the full length of this book to answer this question in full. At this early stage, it shall suffice to see that in the very same passages in which Hegel asserts that Kantian morality is empty he also says things that suggest a different reading of these assertions. This shall supply us with very good reason to try to read the emptiness charge differently.

A second look at the texts of his criticism of Kant’s moral theory—the texts cited above—reveals that Hegel often speaks of its content. What he says is that the universal form of the law ‘cancels’ the content of morality (NL 123) and that it is impossible to make a transition from its form to its content (PR §135R), or, as he colorfully puts it in *Faith and Knowledge* (speaking of Fichte), the “emptiness of the pure sense of duty and the content continually get in one another’s way” (FK 184). What he means is still very obscure. But this much is clear. According to Hegel, there is a conflict between form and content in Kant’s moral theory. Thus, what Hegel must mean when he speaks of making Kantian morality actual is overcoming this opposition between its form *and its content*.

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16. Cf., Patten, *Hegel’s Idea of Freedom*, 18.

Hegel's emptiness charge, I am claiming, is primarily concerned with making actual Kantian morality and not with its lack of conceptual content. Strikingly, Hegel himself, in one text taken from his lectures on the *Encyclopaedia Logic*, explicitly states that the term 'empty' can have both meanings. Discussing Kant's theoretical philosophy, Hegel distinguishes these two senses.

To assert that, by themselves, the categories are empty [*leer*] is unfounded because they have a content [*Inhalt*] in any case, just by being *determinate* [*bestimmt*]. . . .

. . . it must also be remarked that the assertion that the categories by themselves are empty [*leer*] is certainly correct in the sense that we ought not to rest content with them and the totality which they form (the logical Idea), but to advance to the real [*realen*] domains of Nature and Spirit. This advance, however, should not be interpreted as meaning that the logical Idea comes to receive an alien content [*Inhalt*] that stems from outside it; on the contrary, it is the proper activity of the logical idea to determine itself further and to unfold itself into Nature and Spirit. (EL §43A)

Now, when he turns to Kant's practical philosophy, Hegel says that the good is "an abstraction lacking all determination [*bestimmungslosen Abstraktum*] and the same applies to what is supposed to be *duty*" (EL §60). If Hegel's usage here is consistent with the distinction just drawn, the charge is indeed that Kantian morality is without content. For to lack all determination is to have no conceptual content. Hegel, however, immediately corrects himself and adds that "more precisely" the problem is that the good is "what only *ought* to be; i.e., what does *not* at the same time have *reality* [*Realität*]" (EL §60). This passage then offers one more piece of evidence that Hegel's concern is the question of making actual Kantian morality. Far more important, it clearly shows that Hegel sometimes means just this when he speaks of its emptiness and abstraction. It further suggests that Hegel fails to distinguish consistently these two senses and in this way makes the task of interpreting the emptiness charge especially difficult.

Finally, Hegel's use of 'empty' to mean something like 'having no reality' is an entirely ordinary use of this and similar terms, in English as in German.<sup>17</sup> I don't mean to imply that Hegel's criticism of Kant is not

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17. In fact, expressions using these terms do not usually mean 'having no conceptual content.' We speak of an empty promise or encomium, an empty allegation or threat, of a hollow commendation or a void law or marriage. Perhaps the

closely related to the question of content, just as I do not mean to suggest that the ambiguity of such terms as ‘empty’ or ‘abstract’ is a coincidence. Rather, reading Hegel as concerned primarily with the problem of making actual Kant’s practical philosophy will reveal the sense in which he thinks it is empty. It is not, I will claim, the sense he is usually thought to have had in mind.

#### 4.    The Question of Moral Motivation in the Reason Section of the *Phenomenology of Spirit*

The claim then is that *for Hegel to overcome what he identifies as the Kantian opposition between form and content is to effect the transition to his own notion of ethical life and that this is the key to the emptiness charge.* This brings to the fore those texts in which Hegel attempts to effect that very move, and it places in the background the texts which offer an exposition of Kant’s philosophy but do not attempt to effect the transition. The latter group consists of the *Encyclopaedia Logic* and the *Lectures on the History of Philosophy*; the former—of the *Phenomenology* and the *Philosophy of Right*.<sup>18</sup> More specifically, the critical texts are the discussion of Kant at the end of the Reason section of the *Phenomenology* (Reason as Lawgiver [PhS §§419–28] and Reason as Testing Laws [PhS §§429–37]) and the transition and discussion of Antigone in the Spirit section (The Ethical World. Human and Divine Law,\* Man and Woman [PhS §§446–63] and Ethical Action. Human and Divine Knowledge,\* Guilt and Destiny [PhS §§464–76]).

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most famous relevant philosophical example is Kant’s own dictum “Thoughts without content are empty, intuitions without concepts are blind” (CPR B75; Hegel refers to this dictum in FK 68). An empty promise is not sincerely meant; you don’t really intend to keep it. Making an empty allegation is accusing me of a misdeed although you cannot actually prove that I have committed it. An empty threat is one you can not carry out. A void marriage is not valid. For Kant, an empty thought is one not made sensible in intuition. In one way or another something does not make contact, or the right sort of contact, with the actual world.

18. A third group is formed by the early Jena writings. There, I think, we can identify the first attempt to describe a transition from morality to ethical life. But this incipient attempt only becomes visible through the second set of texts. I will try to make good on this promissory note below (see, Chapter 3 footnote 13).

A second discussion of the figure of Antigone occurs at the beginning of the Ethical Life section of the *Philosophy of Right*. It is then these texts that will be the focus of the first part of the book, particularly the former, for reasons that will be explained at the end of Chapter 3. There I will also explain, at greater length, why, in the *Phenomenology*, our focus is the end of Reason and not the later discussion of Kant, in the last part of Spirit; briefly, the later discussion does not attempt to effect the move beyond Kantian morality.

What is first striking about the discussion of Kant at the end of the Reason section is that it is divided into two parts, Reason as Lawgiver and Reason as Testing Laws. In the first, the determinate “laws or ‘masses’ of the ethical substance are immediately acknowledged” (PhS §421); the content of morality is immediately given. It is only in the second part that Hegel charges Kantian morality with making its criterion “the maxim of contradiction” (PhS §431).

*Reason as Lawgiver (PhS §§419–28)*

Hegel begins the Reason as Lawgiver section with the assertion that the determinate or particular laws of the ethical substance are immediately given. They are known and recognized as authoritative. The position Hegel calls here ‘sound reason’ is one, I will show, he associates with Kant, or, more precisely, with the first of the two opposing poles of Kant’s moral philosophy. Reason as Lawgiver begins with our immediate grasp of values.

... sound Reason knows immediately what is right and good. Just as it knows the law immediately, so too the law is valid for it immediately, and it says directly: ‘this is right and good’—and, moreover, this particular law. The laws are *determinate* [*bestimmte*]; the law is ... filled with significant content. (PhS §422)

The content of the law is immediately given, but, Hegel claims, there is an opposition between content and form. Understanding the nature of this opposition is the key to understanding this section.

Hegel gives as an example, one that seems to refer to Kant’s discussion of false promising, the duty “‘Everyone ought to speak the truth’” (PhS §424). This is a duty all immediately acknowledge, formulated as a universal law. Yet, Hegel says, no sooner do we formulate it as a universal law than we find we must qualify it. We must explain precisely what we

mean by speaking the truth. For example, we do not mean that every person ought to be in possession of every truth, nor do we charge people with lying when they make an innocent mistake. We formulate a commonly acknowledged duty as a universal law, but find that thus formulated we somehow lose hold of it. We cannot give adequate expression to an immediately given duty as a universal law.

This contingency of the content has universality merely in the *propositional form* in which it is expressed; but as an ethical proposition it promises a universal and necessary *content*, and thus contradicts itself by the content being contingent. (PhS §424)

What is Hegel saying here? Hegel starts his analysis with the standpoint of common sense. Our duty—the content of morality—is immediately given to us. This position, I am claiming, he attributes to Kant. If this is right—and we will gather conclusive evidence that it is—we must ask how we are to understand, first, the demand to formulate a universal law and, second, the claim that this attempt fails.

How are we to understand the demand explicitly to formulate universal laws? It is important to remember that, as a matter of general methodology, the moves in the *Phenomenology* are to be made with the resources available at that standpoint. So the demand should be understood as Kant himself understands it. Hegel then is expressing here the Kantian concern that we do what we know duty enjoins, not because it is our duty but because we have an immediate inclination to do so. For Kant, of course, moral action is action done out of respect for the law and not because we are so inclined to act. An action has moral worth only if it is done from duty (*aus Pflicht*) and not merely in conformity with duty (*pflichtmäßig*). The demand to formulate explicitly a universal law is the demand that reason act as law-giver. The demand for rational legislation is the demand to act out of respect for the law or for the sake of duty. Hegel, however, claims that this attempt fails, because we lose our immediate hold on duty. This, I want to suggest, is to be understood as a claim about *motivation*. What is lost is the motivational element that moves us to action. Hegel, I will argue, is claiming that ordinarily it is inclination that moves us to action and that the demand to act on universal laws—for the sake of duty—entails a loss of this driving force.

This suggestion is in need of textual support. It receives strong corroboration when we turn to Hegel's second example, "‘Love thy neighbour as thyself’" (PhS §425). This certainly refers to Kant's discussions of benevolence. There are two pieces of evidence for this. First, Kant explicitly mentions the so-called golden rule in relation to benevolence (see, Gr 399; CPrR 82–84; MM 401–2, 448ff.). Second and decisively, Hegel critically discusses at some length Kant's understanding of the precept in *The Spirit of Christianity*.<sup>19</sup>

Now, Kant's claim, in the *Groundwork* and in the *Metaphysics of Morals*, is precisely that love is a matter of inclination: "Love is a matter of feeling [*Empfindung*], not of willing, and I cannot love because I *will* to, still less because I *ought* to (I cannot be constrained to love); so a *duty to love* is an absurdity" (MM 401; see also, Gr 399). How then, according to Kant, are we to understand the golden rule?

... the saying "you ought to *love* your neighbor as yourself" does not mean that you ought immediately (first) to love him and afterwards by means of this love do good to him. It means, rather, *do good* to your fellow human beings, and your beneficence will produce love of them in you (as an aptitude of the inclination to beneficence in general). (MM 402)

Kant here expresses his founding idea that acting morally is acting out of duty and not because we have some immediate inclination. So, when Hegel claims that in formulating a universal principle we lose hold of its content—"This law, therefore, as little has universal content as the one we first considered" (PhS §425)—he is making a point about motivation. The Kantian demand is not to posit first the immediately given feeling of love, but to construe moral action as motivationally independent of love and as prior to it, indeed as its cause. Thus construed, Hegel claims, we lose hold of the very motive that moves us to act and the moral law is left powerless.

Hegel claims that "substantial beneficence is . . . in its richest and most important form the intelligent action of the state" (PhS §425). The idea is that acting well towards your fellow human beings, thought of in general

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19. The *Metaphysics of Morals* was published in 1797. The first draft of *The Spirit of Christianity* was written some time between Fall 1798 and February 1799. See, Schüler, G., "Zur Chronologie von Hegels Jugendschriften," *Hegel-Studien* 2 (1963): 153.



terms, takes shape as the order of the state. Thus, the “only significance left for beneficence, which is a feeling\* [*Empfindung*], is that of an action which is quite single and isolated, of help in [a situation of] need, which is contingent and transitory” (PhS §425). The demand to conceive of love as a formally stated and instituted universal law leaves the immediate feeling of love with nothing essential to do and leaves the universal law without the immediate inclination that moves members of the state to action. Thus conceived, such laws “stop short at *ought*\* [*bleiben nur beim Sollen*], they have no *actuality*\* [*Wirklichkeit*” (PhS §425).<sup>20</sup> It is not that these laws have no conceptual content, for the instituted action of the state certainly has content. What they lack, rather, is the motivational component through which alone, Hegel claims, they guide the action of the members of the state.

The seemingly arbitrary introduction here of the notion of the state is in fact of great significance. For Hegel holds that ethical life is made actual in the state. (The question of founding the state is thus the central question of Hegel’s move beyond Kant in his political philosophy; it is the focus of the second part of the book.) Ethical life, made actual in a social and political community, is the mature form of an earlier Hegelian idea. In his Frankfurt days, it is love which is the “*plerōma* [fulfilment] of the law” (SC 214); it is the “unification of inclination [*Neigung*] and the law whereby the latter loses its form as law” (SC 214).<sup>21</sup> This is how Hegel understands the spirit of the Sermon on the Mount in the Frankfurt *The Spirit of Christianity* (1798–1800). And this indeed is where we find the early version of Hegel’s criticism of Kant’s understanding of the golden rule.

. . . “Love God above everything and thy neighbor as thyself” was quite wrongly regarded by Kant as a “command requiring respect for a law which commands love.” And it is on this confusion of the utterly accidental phraseology expressive of life with the moral imperative (which depends on the opposition between concept and reality) that there rests Kant’s profound reduction of what he calls a

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20. “. . . the commands of duty presuppose a cleavage [between reason and inclination] and since the domination of the concept declares itself in an ‘ought\* [*Sollen*],’ that which is raised above this cleavage is by contrast an ‘is [*Sein*]’” (SC 212). And see again, EL §60. See also, LFA 54, 57.

21. See, Harris, *Hegel’s Development: Towards the Sunlight*, xxvi–xxix; Wood, A. W., *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), 128–31. And see the “Love” fragment in Hegel’s *Early Theological Writings*.

"command" . . . to his moral imperative. And his remark that "love," or, to take the meaning which he thinks must be given to this love, "*liking* to perform all duties," "cannot be commanded" falls to the ground by its own weight, because in love all thought of duties vanishes. (SC 213)

Hegel's concern here is clearly with motivation, with the Kantian opposition between "respect for duty" and "inclination" (SC 212) (this is how we are to read the opposition between "concept and reality"). Note specifically that this passage very strongly supports the claim that when Hegel speaks of the *formulation* of a universal law in Reason as Lawgiver his concern is with motivation ("this confusion of the *utterly accidental phraseology expressive of life* with the moral imperative"). It is precisely as feeling that love is acted upon and so fulfilled; as a command—it remains a mere 'ought.'

Indeed, in Frankfurt, Hegel had not yet formulated the emptiness charge; more precisely, he speaks there of emptiness in opposition to action: Duty "is not merely the empty thought of universality but is to manifest itself in an action" (SC 212). It is of the greatest significance to see that the early argument of *The Spirit of Christianity*, which *precedes* any formulation of what his readers take to be a claim about the content of the moral law, is deployed again in the *Phenomenology*. It is only in this way that we arrive at the second and more familiar claim Hegel makes against Kant: Reason "can only claim formal universality, or that it is not self-contradictory" (PhS §426). This claim though must now be read differently.<sup>22</sup>

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22. Before turning to the next section and this claim, the following objection must be addressed. Forster holds that Reason as Lawgiver does not refer to Kant's philosophy but to the German *Popularphilosophen*, influenced by the Scottish philosophy of common sense. Forster, M. N., *Hegel's Idea of a 'Phenomenology of Spirit'* (Chicago: The University of Chicago Press, 1998), 348–49. The language of the section, however, points to Kant, from its title to the claim that "sound reason knows immediately what is right and good" (PhS §422). (Cf., Hegel: "*die 'gesunde Vernunft' unmittelbar weiß, was 'recht' und 'gut' ist*" [H-Werke 3 312]; Kant: *Die gemeine Menschenvernunft "sehr gut Bescheid wisse, zu unterscheiden, was gut, was böse, pflichtmäßig, oder pflichtwidrig sei"* [Gr 404]). Decisively, the example of the golden rule and the opposition between content and the form of universality cannot but refer to Kant. It is worth adding that Forster is trying to reconstruct a historical timeline in the *Phenomenology*. The German *Popularphilosophen*,

Recall now that Hegel says that Kant's "practical reason is completely lacking in any content" (NL 123) and that he does not advance a single step in answering the "question of what the *content* of willing or of practical reason is" (EL §54A); he speaks of the "emptiness of the pure sense of duty" (FK 184). We now have good reason to underscore the notions of "*willing*" and "*practical reason*" and "*sense of duty*" and to read the charge as making a claim about motivation: The will, or practical reason, or the sense of duty are not truly practical, they lack moving force; it is inclination rather than reason as law-giver that moves us to action. It is in this sense that Kantian morality cannot be conceived as actual.

It is crucial to see that in the Reason as Lawgiver section the immediate grasp of the given good is explicitly rejected as ground for rational legislation. In Kantian terms this rejection is the demand to act from duty and not from inclination. But Hegel too rejects this position. He does not identify the immediate grasp of the given good (the caricature reading of Hegel) with his own view of ethical life made actual in the social and political institutions of the state and the disposition of its members. It is only in the next section that we will learn that Hegel's criticism of Kant consists of two parts. First, he claims that acting on inclination is moral within the actual order of the *objective* good. Second, in Reason as Testing Laws we find the familiar charge—a claim we must now read differently—that the demand of formal universality renders Kant's moral philosophy empty, because its criterion is the principle of non-contradiction. But it is of the greatest consequence to see that Hegel makes this second claim only after considering Kant's philosophy from the side of its immediately given content. We saw that Reason as Lawgiver is best read as claiming that the

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however, are Kant's coevals (in the *Lectures on the History of Philosophy*, Hegel names Garve [H-Werke 20 285–86]). So, the timeline does not decide the case. (I will say something more about this in the second part of the book. Although I find Forster's timeline generally very convincing, I think that there are cases where two consecutive sections span the same historical period. Significantly, both in the first and the second part of the book, these are the sections in the *Phenomenology* on which I focus. Historically, they stand for the present and a present conflict. See Chapter 7, footnote 5.) Forster, I think, is very right to claim, as others have not, that the section expresses the standpoint of common sense. I am suggesting though that it is the standpoint of common sense as it appears in Kant's moral philosophy.

Kantian view of morality leaves us without the necessary motive for action. What remains to be seen is what Hegel thinks an account of moral motivation must include, how it accounts for the motive and content of action.

*Reason as Testing Laws (PhS §§429–37)*

As we already saw, Hegel claims in the Reason as Testing Laws section that reason can only claim “formal universality, or that it is not self-contradictory” (PhS §426). It undertakes the task of testing laws and its criterion is the principle of non-contradiction. But the criterion is empty; “one content is just as acceptable as its opposite” (PhS §429). (It is worth pointing out that the claim that the principle of non-contradiction is utterly devoid of content is obviously too strong; for there can be—indeed there are—laws or social arrangements that are self-contradictory and would be ruled out by its application.) It cannot tell us what laws to adopt as our own, because, Hegel claims, very different, even conflicting laws pass this test.

Property, simply as such, does not contradict itself, it is an *isolated* determinateness, or is posited as merely self-identical. Non-property, the non-ownership of things, or a common ownership of goods, is just as little self-contradictory. (PhS §430)<sup>23</sup>

Reason as Testing Laws aspires merely to examine laws critically (PhS §428). But denied its immediate, active grasp of values, reason fails in its attempt to decide between mutually exclusive forms of ethical life. How can reason claim it grasps the objective good?

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23. See also:

“The content of this maxim should thus be ‘that anyone may deny having received a deposit if no one can prove that he did so.’ This question supplies its own answer [according to Kant], because ‘such a principle, as a law, would destroy itself, since its effect would be that no deposits be made.’ But what contradiction is there in no deposits being made?” (NL 124–25).

“The fact that *no property* is present is in itself [*für sich*] no more contradictory than is the non-existence of this or that individual people, family, etc., or the *complete absence of human life*. But if it is already established that property and human life should exist and be respected, then it is a contradiction to commit theft or murder; a contradiction must be a contradiction with something, that is, with a content which is already fundamentally present as an established principle.” (PR §135R)

It is often thought that Hegel shows here that he simply misunderstands the point of Kant's example of a deposit made by a person who has died without leaving a record of it (CPrR 27–28; the example, of course, is closely related to the false promising example); and, more generally, it reveals he misunderstands the universal law formula of the categorical imperative.<sup>24</sup> Hegel speaks as though what is at stake for Kant is the question of what laws and institutions ought to be adopted by a society. But this is not at all the point of Kant's example. On both interpretations considered above, Kant's question, formulated generally, is whether the universal abuse of the trust upon which so many customs and social institutions are based would be possible. What Kant is concerned with is that in keeping the deposit I am counting on such trust, even as I am thinking of the universal violation of it. Thus, Kant's very point presupposes that customs and institutions exist. Hegel though seems to think that at stake is the founding of such social arrangements.

We will see below, at greater length, why Hegel thinks that an analysis of the conditions of the foundation of a form of life is a necessary part of a rational account of it. It is not because he finds fault with Kant for assuming the existence of shared customs and social institutions. Briefly, Hegel holds that reason develops in history. A rational account of a form of life, its social customs and political institutions, is an account of its historical development—conceptual and concrete. This idea is generally acknowledged and it is an idea I fully accept. It is the principal claim of this book that Hegel thinks that this account must be supplemented by an analysis of the conditions of the founding act of a *new* form of life.

We have already seen discredited the charge that Kantian morality is empty because no content can be derived from the universal law formula. But we saw in the discussion of Reason as Lawgiver that Hegel takes the demand to formulate universal laws as the Kantian demand to act determined by reason and not by inclination. It is a claim about moral motivation. Indeed, what he says in the section we are now considering is that the merely formal law fails to engage the content of morality as real or existent, determining life and action.

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24. See, e.g., Korsgaard, "Kant's Formula of Universal Law," 86, 95; Wood, *Kant's Ethical Thought*, 89–90.

All that is left, then, for the making of a law is the mere form of universality, or, in fact, the tautology of consciousness which stands over against the content, and the knowledge, not of an existing or a real content, but only of the essence or self-identity of a content. (PhS §427)

The crucial question is what does the founding of a form of life have to do with the question of moral motivation. We will consider this question at greater length in the next chapter. To begin with, though, recall that Hegel defines ethical life as “the *unity* and *truth* of these two abstract moments—the thought Idea of the good realized [*realisiert*] in the internally *reflected will* and in the *external world*” (PR §33). Hegel’s idea is that morality is made actual in a shared way of life *and* in the will of the individuals who partake in this shared life. The two depend upon one another. Individuals participate in a shared form of ethical life and are conscious of acting according to its values; reciprocally, this form of life and the values it embodies exists as the self-knowledge and action of the individuals who are its members. Thus, to speak of morality made actual is to speak of it made actual in the social customs and political institutions of a shared form of life *and* in the ethical disposition of its members.

Ethical life is the *Idea of freedom* as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. Similarly, it is in ethical being that self-consciousness has its motivating end and a foundation which has being in and for itself. Ethical life is accordingly the *concept of freedom which has become the existing* [*vorhandenen*] *world and the nature of self-consciousness*. (PR §142)

I am suggesting then that according to Hegel’s understanding Kantian morality presupposes an actual sphere of value. The emptiness charge should be read as consisting of two parts. First, it criticizes Kant’s view of moral motivation within an actual sphere of ethical life. Within the actual founded order of the objective good action motivated by inclination is moral; it need not be motivated by a universal law held reflectively in mind. Second, it criticizes Kant for not giving an account of the founding of this shared sphere of values. The claim I will defend in the book is that Hegel thinks that to give a complete account of moral motivation requires giving a correct analysis of action within an actual form of ethical life *and* answering the question of the *founding act* of this shared way of life. This suggestion has the advantage of making sense of the texts of Reason as

Lawgiver and Reason as Testing Laws. Hegel thinks that human disposition is grounded in a shared form of life. It might be asked then why the question of the foundation of a shared way of life is given priority over the question of shaping individual consciousness, for the two depend upon one another. We will see, though, that Hegel contends with both these questions together. Answering one is answering the other. And answering the question of how a shape of life is founded and a consciousness formed fits the description of contending with the problem of how Kantian morality is to be made actual. The focus of Kant's moral theory is the moral-psychological origin of moral action. Hegel, in contrast, raises the question of the historical-political origin of a shared form of ethical life, within which individuals receive their moral education. The analysis of the conditions of the foundation of any new form of life is the missing part of the very familiar Hegelian idea that reason progresses in history incarnate in social-political forms of life which replace one another.

## Kant's Theory of Moral Motivation and Philosophy of History

In Chapter 1 we considered a reading of Hegel's emptiness charge that attributes to him the claim that Kant's moral theory is empty of content and saw that it does not do justice to Kant. I then argued that independently of this fact we have good reason to search for an alternative reading and suggested that we should direct our attention to the end of the Reason section of the *Phenomenology* and the question of moral motivation. We find ourselves in a position which is in one way very surprising and in another much less so. The claim that the end of the Reason section addresses Kant's conception of moral motivation was unforeseen. For it is usually thought to express the charge that Kant's moral theory is empty of content. This shift is less surprising, because some of the best recent work in the field suggests—the emptiness charge notwithstanding—that Hegel's critique of Kant's theory of moral motivation is of real significance.<sup>1</sup> It would be of use therefore to give here an outline of Kant's theory of moral

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1. In the next section I rely to a great extent on the following: Benhabib, S., *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), 80–84; Ameriks, K., "The Hegelian Critique of Kantian Morality," in *Kant and the Fate of Autonomy: Problems in the Appropriation of the Critical Philosophy* (Cambridge: Cambridge University Press, 2000); Wood, A. W., "The Emptiness of the Moral Will," *Monist* 72 (1989); Pippin, R. B., "Idealism and Agency in Kant and Hegel," *Journal of*



motivation. We also saw that Hegel ends the Reason section with the question of the foundation of a shape of ethical life. I suggested that he does so because he thinks that moral motivation and the social incarnation of value are interdependent. Thus, it would also be of use to review Kant's philosophy of history and see what he thinks of the foundation of a moral society. The purpose of this discussion is to allow us more accurately to direct Hegel's criticism at Kant's theory of moral motivation and his view of how morality is made into a shared form of life. In Chapter 3 we will see how Hegel answers the question of how a form of life comes into existence.

## I. Kant's Theory of Moral Motivation

The starting point of a discussion of Kant's theory of moral motivation is his claim that "pure reason can be practical—that is, can of itself independently from anything empirical, determine the will" (CPrR 42). This means, first, that practical reason is not, as Hume held, "the slave of the passions" but can set itself ends other than the fulfillment of our natural desires and inclinations; specifically, practical reason is free to act morally.<sup>2</sup> It means, further, that pure reason can, unaided, *move us to act* morally; pure practical reason is truly practical; it has what Kant calls at the beginning of the *Doctrine of Virtue* "moving force" (MM 376). This second claim requires elaboration.

Kant posits a single moral incentive that is the determining ground and driving force behind every properly moral action. Famously, he calls it 'respect for the moral law' (CPrR 78). It is in the elaboration of this idea that some of Kant's most radical formulations occur. The moral law, Kant

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*Philosophy* 88 (1991); Westphal, K. R., "Hegel's Critique of Kant's Moral World View," *Philosophical Topics* 19 (1991).

The general strategy I am following is Wood's. According to this strategy, the emptiness charge is a consequence of Hegel's criticism of Kant's theory of motivation, and it is this criticism which is of real interest. My approach differs from Wood's in attempting to read the emptiness charge itself, as formulated in the Reason section of the *Phenomenology*, as a claim about moral motivation.

2. Hume, D., *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (Oxford: Clarendon Press, 1978), Bk. II, Part III, Section III, p. 415.

asserts, “must always and quite alone be also the subjectively sufficient determining ground of action” (CPrR 72). This claim might be taken to say that the moral law must always, alone, be sufficient to move an agent to act, but that inclinations might assist it; respect for the law and inclination might join forces, resulting in a moral act that is overdetermined. Kant, however, means something even stronger. To act morally is to act “not only without the cooperation of sensible impulses but even with the rejection of all of them and with the infringement upon all inclinations insofar as they could be opposed to that law” (CPrR 72). It is sometimes thought that Kant demands the quashing of *all* our inclinations. As the last quote shows, however, he requires infringing only upon inclinations that can oppose the law. However, to act morally is to act *unaided* by *any* inclinations that might supply us with a further incentive to do as the law demands. This is not because there is anything inherently wrong with satisfying an inclination, but to act out of respect for the law is to recognize a reason of an altogether different and higher order. To act out of respect for the law thus requires *rejecting* our inclinations. According to Kant’s theory of moral motivation, the choice confronting us is to act out of *either* duty *or* inclination. To heed the moral law is to silence the entreaties of our inclinations and unharness their force. This means not only that we must choose duty over a self-serving inclination, even if the latter conforms to duty (e.g., dealing honestly with customers out of prudence). It means, further, that even when we are immediately inclined to act as duty decrees and will gain nothing except, for example, the pleasure of spreading joy around us, our motive, though possibly praiseworthy, is without “true moral worth but is on the same footing with other inclinations” (Gr 398). Indeed, “even the least admixture” of the impulses of inclination infringes upon reason’s “strength and superiority; just as anything at all empirical as a condition in a mathematical demonstration degrades and destroys its dignity and force” (CPrR 25).

For Kant there is but one determining ground of the moral will (CPrR 25). This one determining ground he calls the ‘mere form of universality’; “*pure reason* must be practical of itself and alone, that is, it must be able to determine the will by the mere form of a practical rule” (CPrR 24; see also, CPrR 22, 27–28). Hegel, we will see, takes Kant to mean that acting morally is acting out of reflective recognition that a proposed maxim does not contradict a universal moral law. This is what Kant means

by saying that the one determining ground of moral action is “the mere lawgiving form of maxims” (CPrR 28). Indeed, he seems to say this quite explicitly: “the ability of pure reason to be of itself practical . . . is not possible except by the subjection of the maxim of every action to the condition of its qualifying as universal law” (MM 214). What now comes into view is that even if, as we saw in Chapter 1, Hegel thinks the universal law formula is not the focus of Kant’s conception of the particular content of morality, it is the single focus of his theory of moral motivation. In other words, although we do not derive the content of morality from the universal law formula, we do have to derive from its test—in every case—our motive.

Kant’s moral theory can be read as attempting to balance an immediate grasp of our particular moral duties as the claims of humanity, as we saw in Chapter 1, and the demand for critical, reflective distance, by employing the universalizability test. This demand for critical distance is posited by the theory of moral motivation. Indeed, it sharply divides the single moral incentive, on the one hand, and the accustomed action of agents, on the other. For Kant, moral action cannot *reform* our natural inclinations and make them its agents. On the contrary, where action has become an agent’s second nature, a habitual *unreflective* response, it has no true moral worth. If there is any sense in which, for Kant, moral action is immediate it is the demand that reason determine “the will immediately, not by means of an intervening feeling of pleasure or displeasure, not even in this law” (CPrR 25). The immediate move to action comes *after* reflection upon the formal universality of law.

Now it might seem that Kant’s later writings take a substantial step towards articulating a view of moral motivation that allows for the reformation of our inclinations. In the *Critique of Practical Reason*, Kant speaks of the phenomenal effect of respect for the moral law on our inclinations simply as “humiliation (intellectual contempt) [*Demütigung (intellektuelle Verachtung)*]” (CPrR 75). Kant invokes here the etymological relation between ‘respect’ (*Achtung*) and ‘contempt’ (*Verachtung*) and encourages the thought that the one moral cause has but one effect. This leads us to think of an endless, stalemated struggle between respect for the moral law and our recalcitrant inclinations. But, in the *Metaphysics of Morals*, Kant emphasizes the acquisition of virtue and the reformation of our inclinations. This might seem to enable us to speak of moral action motivated by our

reformed inclinations. But it does not. Kant is insistent that becoming virtuous is not the acquisition of a habit (MM 407; see also, MM 383, 479). Although he calls virtue a “free aptitude [*Fertigkeit*] (*habitus libertatis*)” (MM 407), Kant insists that it is an aptitude “to determine oneself to act through the thought of the law” (MM 407). In Kant’s view, moral motivation is never made our second nature. Even though our inclinations might be reformed, they can never drive moral action. The moral education of our natural inclinations is always only the effect of morality and never its cause. Kant’s mature view of moral motivation preserves the insistence that acting morally is *in all cases* being determined by the mere form of law, never by inclination.

The moral agent, according to Kant, abstains from any immediate action and critically assesses every motive, as though irremediably in doubt of its worth. Likewise, the value and force even of moral claims obeyed consistently through a long, trying life are treated as though commitment to them is still, for the agent, in doubt. In this Kant seems to make every moral act a first—a first light breaking onto a morally dark disposition. It is as though we have never before acted, and might never again act, morally, as though morality cannot take root.<sup>3</sup>

Indeed, this characterization of his theory of moral motivation is one Kant himself suggests. In *Religion Within the Boundaries of Mere Reason* Kant asks how a person under the sway of inclination *first* acts morally. It is, we saw, possible for any rational agent to act morally, for pure reason is of itself practical. Not all, of course, do. Some agents do not act morally because they have too little moral strength of will (the “good, which is an irresistible incentive objectively or ideally [*in thesi*], is subjectively [*in hypothesis*] the weaker (in comparison with inclination)” [R 29]). How are they to overcome their inclinations and act morally? In other words, how does the moral law gain enough strength or force *first* to move an agent to action (see, R 44–45, 47, 74, 117)? Kant’s answer is that a radical transformation of moral character is a necessary condition of moral action. Famously, he calls it a ‘revolution in disposition’: “And so a ‘new man’ can come about only through a kind of rebirth, as it were a new creation

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3. In this context, Pippin speaks of a life of *preparation* for the realization of freedom. Pippin, R. B., “Hegel, Ethical Reasons, Kantian Rejoinders,” *Philosophical Topics* 19 (1991): 115.

(John, 3:5; compare with Genesis, 1:2) and a change of heart" (R 47).<sup>4</sup> Every moral action though requires, in a sense, such a rebirth or change of heart. For to act morally is *always* to silence inclination and take on the duties enjoined by the moral law and so give the law moving force. Thus, Kant speaks in the *Religion* of an intelligible deed that precedes every action, "the use of freedom through which the supreme maxim (either in favor of, or against, the law) is adopted in the power of choice" (R 31). It is then indeed apt to describe Kant's theory of moral motivation as making every moral act a first. He himself so describes it. And it is precisely in this sense that Kant insists that virtue "is always *in progress* and yet always starts *from the beginning*" (MM 409).<sup>5</sup>

What does Kant mean by saying that moral action "is not possible except by the *subjection* of the maxim of every action to the condition of its qualifying as universal law?" Hegel takes Kant to say that acting morally is acting out of *reflective recognition* that a proposed maxim does not contradict a universal law. He seems to have in mind the many expressions that suggest the conscious representation and active examination of a proposed intention. Indeed, Kant does speak, for example, of the "representation of the law" (MM 218) and "the thought of duty" (CPrR 82; see also, MM 393, 397), as well as of the law finding "entry into the mind" (CPrR 86). For Hegel, Kant's theory of moral motivation makes reflective recognition that a maxim does not contradict a universal moral law the force driving every action of true moral worth.

Many contemporary critics will no doubt challenge the claim that for Kant *reflective recognition* of the universality of moral laws is a necessary condition of moral action. They will claim that there are other ways to understand the notion of subjecting maxims to the condition of their

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4. Ameriks suggests that Hegel's critique of Kant is best read as directed at the notion of a 'revolution in disposition.' Ameriks, "The Hegelian Critique of Kantian Morality," 337. The language and image of 'stripping of the old man and putting on the new man' appears repeatedly in the *Religion* (R 47, 48, 73, 74, 117, 121, 163, 196).

5. On Mariña's account, after the 'revolution in disposition' the "individual learns to bring all her desires in line with the demands of morality." Mariña, J., "Transformation and Personal Identity in Kant," *Faith and Philosophy* 17 (2000): 495.

qualifying as universal laws.<sup>6</sup> Two points must be kept in mind. First, whatever alternative they put forward to the demand to have a universal law *consciously in mind*, moral action is never, for Kant, a merely habitual response. The responsibility for moral action cannot be relegated to the jurisdiction of inclination, natural or reformed. The second, very significant point is that the attempt to find a middle ground between acting on a law consciously in mind and a habitual, unreflective response is the search, we will see, for the ground Hegel himself is breaking. Therefore, even if Hegel is not criticizing the strongest possible reading of Kant, we have very good reason to follow his discussion through; that is, Hegel's own ethical theory claims to be precisely the theory many Kantians are seeking.

On the interpretation I am defending, then, the Kantian view of moral motivation is the primary target of Hegel's critique. I will claim at much greater length below that what Hegel criticizes is not the distinguishing of reason from inclination or the identification of reason as the higher faculty and the origin of morality. Like Kant, I argue, Hegel thinks that a necessary condition of moral action is a radically autonomous moral act, undetermined by our inclinations. It is, however, autonomous in a very different sense than that Kant employs. In further contrast to Kant, Hegel thinks that this characterization of an act as radically autonomous fits only the revolutionary action that stands as the origin of a new form of shared life. Within such a form of life, action is moral even if it is determined by inclination, because through a formative process of education reason can come to shape or reform our inclinations. If, within a just society, this process of acculturation is successfully undergone, then acting on our inclinations is rational and of true moral worth. This raises, for Hegel, the question to which this book is devoted: How is a form of life founded?

## 2. Kant's Philosophy of History and Theory of Moral-Political Progress

It is of course a truism to say that moral action is a form of interpersonal and, more generally, social interaction. Any view that held otherwise

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6. Furthermore, what Kant calls the 'fact of reason' is the immediate consciousness of the moral law (CPrR 31).

would make every moral duty a duty to oneself alone. To be sure, Kant's formula of humanity enjoins making the humanity of *any* person our end and never merely a means, while the formula of the realm of ends presents the ideal end of rational legislation as "a systematic union of various rational beings through common laws" (Gr 433). But we saw in the previous subsection that according to Kant we act either out of reflective recognition of the formal universality of law or from an immediate inclination. In this, I said, Kant seems to make every moral act our first. This claim can be interpreted both as a claim about the moral psychology or character of agents and as a claim about their social relations.

Moral action can never find its motive immediately in the phenomenal world. A moral agent cannot simply act in response to the moral demands of a situation at hand, for example, a call for help. For to respond immediately to the given features of a situation at hand is precisely not to ask whether the maxim of an action stands in contradiction to a universal moral law. It is to act on an immediate inclination. Thus, the existence of a value as a given social phenomenon is not what moves the virtuous agent to action. The agent does not act out of immediate recognition that a particular bond with another is of value and a custom of society. The Kantian moral agent acts determined by the mere form of law, as though asking ever anew whether an intention ought to be made into a universal law. In this way, every action directed at others seems to question and thus establish anew the relationship with them.

It might seem then that Kant's moral theory is concerned solely with the intentions of individuals and completely lacks a social or political dimension. This impression, however, would be mistaken. Kant's historical and political writings describe the struggle between the moral law and inclination as itself essentially social. Kant explicitly raises the question of how a new social and political beginning—a new "*ethical community*" (R 94) or "*kingdom of virtue*" (R 94–95)—is made.<sup>7</sup>

For Kant it seems that the possibility of moral action does not depend on the actual existence of morality as a shared form of life, for pure reason is of itself practical. Nevertheless, he thinks that human natural inclinations are socially formed. Thus, the opposition between the moral law and

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7. For the argument that Kant's moral vision is in essence social and religious see, Wood, A. W., "Religion, Ethical Community and the Struggle Against Evil," *Faith and Philosophy* 17 (2000).

inclination does have a concrete social aspect. For Kant, we might say, the demands of morality are independent of their social incarnation; their obligation binds even agents who live in an utterly corrupt society; even for them obedience to the moral law is possible. But progress in the struggle for moral improvement—the struggle against inclination—is not independent of the social incarnation of value. Agents seek moral perfection as part of a community. This indeed is no more than common sense, for so much of morality cannot be given if it is not taken in the spirit in which it is given. Kant, we saw above, holds that the beginning of love is benevolence, “a duty of all human beings toward one another, whether or not one finds them worthy of love” (MM 450–51); but he himself thinks that friendship, considered in its perfection, is “the union of two persons through equal mutual love and respect” (MM 469). The idea that moral progress is essentially social might lead us to ask whether Kant himself raises the question of making morality a shared form of life. The short answer is that he does.

Kant’s philosophy of history describes mankind’s development as fueled by the force of what Rousseau calls ‘*amour propre*’ and Kant calls ‘unsociable sociability,’ the origin of all human conflicts and wars (IUH 20–21; see also, CJ §83, 432–33; R 27; MM 471–72). We are, by nature, social creatures and in society develop our natural capacities. But every person by nature wants things to go according to his or her desires. Our desires conflict and we therefore expect resistance everywhere. Fear of getting less than our equal share grows into desire to gain advantage over others, and we come to measure success by another’s failure. It is precisely this competitive antagonism and the prudential reason individuals develop to further their ends in this struggle that take humankind halfway in its education. This first stage reaches its end when humankind establishes—for reasons of prudence, not morality—a cosmopolitan state and perpetual peace (IUH 26). It is only at that moment that the second chapter of human history can begin. Then social interaction is no longer dominated by our natural inclination to outstrip one another and establishing a community under the rule of the moral law first becomes possible. These two historical eras have thus been called the ‘epoch of nature’ and the ‘epoch of freedom.’<sup>8</sup>

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8. See, Wood, A. W., “Unsociable Sociability: The Anthropological Basis of Kantian Ethics,” *Philosophical Topics* 19 (1991): 343. In “What Is Enlightenment?” Kant speaks of “humankind’s emergence from its self-incurred minority”



Now it might seem as though the idea of such a transformation from nature to freedom—making morality the shape of a shared form of life—is pieced together from occasional remarks dispersed throughout Kant’s minor writings on politics and history and is not a part of Kant’s systematic practical philosophy. This impression, however, would be mistaken. The work Kant begins with the “Idea for a Universal History with a Cosmopolitan Aim” (1784) constitutes a significant body of work and a principal concern of the last period of his philosophical activity. It is taken up again in the *Critique of Judgment* (CJ §83, 432–33) (1790) and in the essay “On the Common Saying: That May Be True in Theory, But It Is of No Use in Practice” (1793), and developed in “Toward Perpetual Peace” (1795). It culminates in Part II of the *Doctrine of Right: Public Right* (1797). Indeed, the transition from nature to freedom, we will now see, is the transition from the *Doctrine of Right* to the *Doctrine of Virtue*. Intriguingly, Rosenkranz reports that the question of this very transition was raised by Hegel in his commentary, now lost, on the *Metaphysics of Morals*.<sup>9</sup>

The transition from nature to morality is the transition from the sphere of right to the sphere of virtue. The universal principle of right is defined by Kant as follows:

Any action is *right* if it can coexist with everyone’s freedom of choice\* [*Freiheit der Willkür*] in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law. (MM 230)

The universal principle of right defines right action in terms of its effect on the freedom of all agents to carry out whatever ends they set themselves. The sense of ‘freedom’ which holds in the discussion of right is freedom of choice: “independence from being *determined* by sensible impulses”

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(WE 40); in the *Religion* he speaks of mankind’s childhood and adolescence (R 121) and of a “moral world-epoch” (R 135).

I am greatly indebted here and below to Wood’s work on Kant’s philosophy of history and his social and political philosophy. See, “Unsociable Sociability: The Anthropological Basis of Kantian Ethics”; “Kant’s Project for Perpetual Peace,” in *Proceedings of the Eighth International Kant Congress*, ed. H. Robinson (Milwaukee: Marquette University Press, 1995); *Kant’s Ethical Thought*, Ch. 6–9.

9. See, Rosenkranz, *Hegels Leben*, 87.

(MM 213–14). Kant also calls it the “negative concept of freedom” and distinguishes it from the positive concept of freedom, already familiar to us, “the ability of pure reason to be of itself practical” (MM 214; see also, Gr 446–47; CPR 33). Unlike the universal law formula of the categorical imperative—“*act only in accordance with that maxim through which you can at the same time will that it become a universal law*” (Gr 420)—the universal principle of right tests actions, not maxims. An action is right or wrong regardless of the maxim on which it is done; or, more precisely, the only thing that matters is whether following a certain maxim would limit the free choice of others. What matters is the external effect of following a maxim, how following it effects the ability of others to choose and act. Simply put, what matters is not the intention with which the action is done, but the action itself.<sup>10</sup>

The principle of right does not then demand that agents adopt any values or ends. It demands only the compliance or conformity with duty of what Kant calls “*external action*” (MM 231). In Kant’s terminology, right action conforms with duty (it is *pflichtmäßig*); in distinction, moral action is done from duty (*aus Pflicht*). The sphere of right is then the legal sphere, the sphere of action that externally conforms to duty (MM 219).<sup>11</sup> Now, Kant says that “if a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal law, that is it is right” (MM 231). It follows then that “strict right can also be represented as the possibility of a fully reciprocal use of coercion that is consistent with everyone’s freedom

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10. Thus, Galston characterizes Kant as attempting to combine an ethics of positive freedom with a politics of negative freedom. Galston, W. A., “What Is Living and What Is Dead in Kant’s Practical Philosophy,” in *Kant & Political Philosophy: The Contemporary Legacy*, ed. R. Beiner, W. J. Booth (New Haven: Yale University Press, 1993), 220.

11. Thus, Kant thinks that right can also be defined in relation to the publicity of maxims: “All actions relating to the rights of others are wrong if their maxim is incompatible with publicity” (PP 381). This also explains the great importance Kant attributes to free speech, calling it “the sole palladium of the people’s rights” (TP 304). Kant insists moreover that philosophers in particular be granted permission “*to speak* freely and publicly about universal maxims of waging war and establishing peace” (PP 369). See also, OIT 144; MM 319.

in accordance with universal laws" (MM 232). The sphere of legal action is thus also the sphere of acts we can, with right, coerce others to do. This is the very sphere Kant's historical writings describe.

The question to raise here is whether—in the political realm—morality precedes legality or whether legality precedes morality. It is clearly highly implausible to hold the former. Indeed, Kant does not. Kant holds that in the political realm legality precedes morality: "It can be seen even in actually existing states, still very imperfectly organized, that they are already closely approaching in external conduct what the idea of right prescribes, though the cause of this is surely not inner morality" (PP 366). It is here that Kant's philosophy of history completes his practical philosophy. Kant holds that we must assume that as a matter of historical fact the sphere of right has its origin in mankind's 'unsociable sociability.' The bounds of right are not drawn by moral agents. They are drawn, in actuality, by agents who mutually prohibit action which limits their freedom, armed with the threat of coercion. As Kant famously says in "Perpetual Peace," "the problem of establishing a state, no matter how hard it may sound, is *soluble* even for a nation of devils (if only they have understanding)" (PP 366). The beginning of right is power (PP 371).<sup>12</sup>

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12. Guyer argues that Kant's considered view is that perpetual peace can only be guaranteed by moral legislation. He seems to think of perpetual peace as a condition in which war would be inconceivable. By definition, only in a commonwealth of perfectly moral agents would war become inconceivable. But Kant's conception of peace is not one in which war is inconceivable. On the contrary, it is prudent reflection on the threats of war that reveals the advantages of peace. It is important to stress, however, that even if Guyer is right this does not explain the transition from nature to morality; it only places the transition at a different point of the political development of humankind. Guyer, P., "Nature, Morality and the Possibility of Peace," in Robinson, *Proceedings of the Eighth International Kant Congress*.

Ludwig claims that nature's 'guarantee of perpetual peace' means that nature only makes the moral legislation of peace possible. According to Ludwig, the problem of peace can be solved *for* a nation of devils *by* moral politicians, but not *by* devils. But Ludwig too does not expose the breach between peace (or the condition of right), guaranteed by nature, and peace (or the condition of right) as a moral duty, because, for him, peace is attainable only by moral legislation. Ludwig, B., "Moralische Politiker und Teuflische Bürger," in Robinson, *Proceedings of the Eighth International Kant Congress*. See also, Williams, H. L., *Kant's Political Philosophy* (New York: St. Martin's Press, 1983), Ch. 10.

Now, Kant indicates, in several places, that the social and political transition from the epoch of nature to the epoch of freedom is at hand (see, WE 40; CBH 54; R 131; TP 310). But he says this nowhere more clearly than in the second part of "The Conflict of the Faculties," entitled "An Old Question Raised Again: Is the Human Race Constantly Progressing?" The sixth part of the essay is called Concerning an Occurrence of Our Time which Demonstrates This Moral Tendency of the Human Race. The event Kant points to there is not a heroic political deed. It is the sympathy and merely wishful participation, felt by spectators in view of the French Revolution; this passive sympathy, Kant says, "can have no other cause than a moral predisposition in the human race" (CF 85).<sup>13</sup>

Kant then sees the French Revolution as a turning point in history that transforms politics and sets humanity, as a community, on the endless road to moral perfection. What will prove of crucial importance to us is that, for Kant, the event that is the origin of morality as the shape of the political sphere is not the event of the Revolution and the acts of the participating women and men but "the mode of thinking of the spectators [*Denkungsart der Zuschauer*]" (CF 85). Kant himself categorically denies citizens a right of revolution. A right of revolution is a contradiction in terms, for a revolution is the destruction of the very sphere of right (see, TP 299ff.; PP 381ff.; MM 319ff.). The event that stands as the origin of the political epoch of freedom is not itself an act:

This occurrence consists neither in momentous deeds nor crimes committed by human beings whereby what was great among human beings is made small or what was small is made great, nor in ancient splendid political structures which

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13. On Kant's view of revolutions see the papers by Beck, Axinn, Atwell and Dyke in *Journal of the History of Ideas* 32 (1971); see also, Nicholson, P., "Kant on the Duty Never to Resist the Sovereign," *Ethics* 86 (1976); "Kant, Revolution and History," in *Essays on Kant's Political Philosophy*, ed. H. L. Williams (Chicago: University of Chicago Press, 1992); Riley, P., *Kant's Political Philosophy* (Totowa: Rowman & Allanheld Publishers, 1983), 103–7; Williams, *Kant's Political Philosophy*, Ch. 8; Henrich, D., "On the Meaning of Rational Action in the State," in *Kant & Political Philosophy: The Contemporary Legacy*, ed. R. Beiner, W. J. Booth; Hill, "A Kantian Perspective on Political Violence," in *Respect, Pluralism and Justice*; Korsgaard, C. M., "Taking the Law into Our Own Hands," in *Reclaiming the History of Ethics: Essays for John Rawls*, ed. A. Reath, B. Herman, C. M. Korsgaard (Cambridge: Cambridge University Press, 1997).

vanish as if by magic while others come forth in their place as if from the depth of the earth. (CF 85)<sup>14</sup>

Recognition of the moral law, in the political sphere, first appears as the inactive, merely wishful participation in the event of the French Revolution, itself a morally forbidden state of complete lawlessness. The most Kant allows is that where revolutions have already been brought about, this can be used as an occasion for fundamental moral reform.

. . . for some *rightful* constitution or other, even if it is only to a small degree in conformity with right, is better than none at all, which latter fate (anarchy) a *pre-mature* reform [*Reform*] would meet with. Thus political wisdom, in the condition in which things are at present, will make reforms in keeping with the ideal of public right its duty; but it will use revolutions [*Revolutionen*], where nature of itself has brought them about, not to gloss over an even greater oppression, but as a call of nature [*Ruf der Natur*] to bring about by fundamental reform\* [*gründliche Reform*] a lawful condition based on the principles of freedom, the only kind that endures. (PP 373 footnote)

We will see in the next chapter and in the second part of the book that Hegel, like Kant, conceives of political revolutions precisely as a state of violent lawlessness. The question he raises is not at all whether there is a right of revolution.<sup>15</sup> The question, for Hegel, is whether revolutionary

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14. The breach between spectator and agent is the focus of Arendt's lectures on Kant's political philosophy. Arendt, H., *Lectures on Kant's Political Philosophy*, ed. R. Beiner (Chicago: University of Chicago Press, 1982).

15. More precisely, the question for Hegel is not the question Kant poses of a right of revolution. Kant argues that there is a contradiction between a right of revolution and the standing sphere of right. However, the right of revolution, defended for example by Locke, assumes that the sphere of right has dissolved. For Locke, the right of revolution is the right of people in the state of nature or in war, into which tyranny has presumably thrown them. For Hegel too the complete dissolution of all social bonds leads inevitably to civil war (GC 54), whereas for Kant, the right of revolution is a right within a standing state. Thus, Kant denies the coherence of a constitution that includes a law that permits revolution (TP 300, PP 382, MM 319–20). Kant, in the text from "Perpetual Peace" I quoted above, is himself quite close to Locke's view, and so, we will see, is Hegel. See, PP 373 footnote; cf., Locke, J., *Two Treatises of Government*, ed. P. Laslett (Cambridge: Cambridge University Press, 1994), Bk. II, Ch. 19. It is noteworthy that of all the "estimable men who maintained that under certain circumstances a subject

*action* is a necessary condition of the political foundation of morality. His answer is that although revolution is an immoral state of terrible violence it is a necessary condition of morality acceding to the political realm.<sup>16</sup> This position is one Kant clearly recognizes and adamantly denies. On Kant's own analysis, a transformation from nature or prudence to morality is a necessary condition of morality taking shape as a shared way of life. But he insists that reform alone can serve as this fundamentally new beginning. Even where he considers explicitly the role of revolutions, he refuses to acknowledge the necessity of revolutionary *action*. We saw above that he speaks of "the mode of thinking of the spectators" (CF 85) in view of the French Revolution; he also speaks of a situation in which "everything has either *of itself* become ripe for complete overthrow [*völligen Umwälzung*]<sup>17</sup> or has been made almost ripe *by peaceful means*" (PP 373 footnote), or of "nature of itself" bringing revolutions about.<sup>18</sup>

### 3. Hegel's Question: How Does a Form of Ethical Life Come into Existence?

Hegel is often thought simply to posit a view of moral motivation and the social incarnation of value that is diametrically opposed to Kant's. Through a process of education, moral action becomes habitual: "In an ethical community, it is easy to say *what* someone must do and *what* the duties are which he has to fulfil in order to be virtuous. He simply must do what is

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is authorized to use force against his superiors" Kant quotes only Achenwall (TP 301). As Kant presents Achenwall's position, the latter seems to hold that the right of resistance is a right within a state still standing and that it is their rebellion that returns the people to a state of nature.

16. This idea is formulated very clearly by Korsgaard: "Morality cannot tell you when to leave morality behind, in order to make sure that the world remains a place where morality can flourish. In making this kind of decision, you are entirely on your own." Korsgaard, "Taking the Law into Our Own Hands," 320.

17. Note that *Umwälzung* can perfectly naturally mean political revolution.

18. An ethical state "cannot be brought about through juridical legislation or political revolution, but requires a collective change in the moral disposition." Allison, H., "The Gulf between Nature and Freedom and Nature's Guarantee of Perpetual Peace," in Robinson, *Proceedings of the Eighth International Kant Congress*, 42.

prescribed, expressly stated, and known to him within his situation" (PR §150R). Thought of in terms of moral psychology, "the *habit* [*Gewohnheit*] of the ethical appears as *second nature*" (PR §151; see also, PR §211R; and see again, PR §142). Instead of agency utterly alienated, Hegel seems to offer a fully naturalized account. Indeed, the Hegelian agent finds in action the satisfaction of "needs, inclinations, passions, opinions, fancies, etc." (PR §123).

Speaking, however, of satisfying "needs, inclinations, passions, opinions, fancies, etc." is not by any means saying that the satisfaction of just any needs, passions and inclinations is of moral value. The habit of the ethical, Hegel says, appears as "*second nature*." Most succinctly put, it is a habit acquired by education in a state with good laws (see, VPR18/19 568; PR §153R). Hegel thinks that through acculturation individuals can transform their disposition and their shared life and make the moral law fully their own. For such a community of individuals the moral law can indeed become second nature and acknowledged custom. The immediate response of such individuals is moral. Their second nature makes them immediately inclined—to use the Kantian term—to do what morality demands.

Hegel conceives then of ethical life as making actual an objective system of values, represented by Kantian morality. But the view of moral motivation and the social incarnation of value just sketched is formulated—and this is a point of critical importance—as though morality has *already* been made actual and exists as a moral disposition made natural and a securely founded moral society. This raises precisely the question of the acquisition of a moral disposition and the foundation of a shared ethical life. I will claim that this question—overlooked by his readers—is one Hegel asks and answers. Most significantly, he does not reject out of hand Kant's idea of an act of freedom which does not merely express an agent's second nature or reformed inclinations, acquired within an existing shape of social life. Indeed, I claim that Hegel thinks Kant is right to insist that a condition of moral action—under certain circumstances—is overthrowing the bonds of inclination and social custom. As Hegel says, "the tendency to look *inwards* into the self to know and determine from within the self what is right and good appears in epochs when what is recognized as right and good in actuality [*Wirklichkeit*] and custom is unable to satisfy the better will" (PR §138R). It is an account of an action that stands as the foundation of a new shape of consciousness and society that will effect the move beyond Kantian morality to Hegelian ethical life.

Hegel's move beyond Kant not only limits the scope of his predecessor's theory of moral motivation to acts which stand at the origin of a form of life, and allows that ordinarily agents find their motives as natural inclinations and as given ends within such a form of life. He also has a very different conception of what we might call Kantian acts of freedom. How he conceives of these acts is the subject of Chapter 3, which picks up in reading the *Phenomenology* where Chapter 1 left off, in the transition from Reason to Spirit. There I present Hegel's idea of a founding act of ethical life. Hegel's idea is that the act which effects the political transition from nature to morality is not and cannot itself be moral, precisely because the transition is the radically new beginning of morality. A violent act which is not itself moral stands as the origin of the epoch of morality. This is the missing part of Hegel's criticism of Kant's moral and political philosophy.



## Hegel's Conception of a Founding Act of Ethical Life

According to Kant's theory of moral motivation, every moral action is determined by the formal universality of law, never by an agent's natural inclinations, innate or reformed. Hegel's view, on the other hand, is that under ordinary circumstances, and for an agent brought up in the right society, ethical action is second nature. I claimed, however, that Hegel does not dismiss Kant's idea that a necessary condition of moral action is an act that is not determined by natural inclination and the form of life that shaped it. Indeed, he thinks that precisely such an act stands as the foundation of a new shape of life and consciousness. In this chapter I claim that Hegel's transition beyond Kant's moral theory in the *Phenomenology of Spirit* consists precisely of describing the conditions of such a founding act. Our primary task is to see how Hegel characterizes this act.

Before proceeding, it is worth saying something about the sort of argument with which we are contending. We saw that Hegel, in contrast to Kant, thinks that under ordinary circumstances, and if the character of the agent is successfully shaped by education within a just society, an agent moved to act by inclination is acting morally. Hegel, though, agrees that moral action cannot—in all cases—consist of such habitual action. The acts that stand as the origin of a new form of life are not, by their very definition, shaped by an existing form of life and the character it cultivates. But in Kantian terms, and as we will see for Hegel, such founding acts are not moral. Thus, Hegel might seem to preserve little of Kant.

Whether he preserves too little is a question that will depend, first, on how convincing his conception of moral action under ordinary circumstances is taken to be; second, it will depend on how plausible we find his conception of a founding act of ethical life. Hegel will be found most convincing by those who will take the two points as supporting one another and the latter as partly preserving the spirit, if not the letter, of Kant's moral philosophy.

### 1. The Transition from Reason to Spirit in the *Phenomenology of Spirit*

Before beginning to examine Hegel's conception of a founding act of ethical life in the *Phenomenology*, we ought to consider the following question. The Reason section of the *Phenomenology*, the end of which we examined in Chapter 1, is followed by the Spirit section. This section begins with the elaboration of the notion of ethical life and proceeds to a discussion, the central terms of which are supplied by the tragedy of *Antigone*. It is sometimes thought, for just these reasons, that the point of the first sections of Spirit is to elaborate the notion of ancient Greek ethical life (also referred to as 'beautiful ethical life') and its destruction. The claim that this is the sole concern of these passages is clearly at odds with my interpretation. For I am claiming that the transition from Reason to Spirit is concerned with the founding of ethical life, rather than exclusively with its destruction, and with a transition beyond Kant, a transition to modern ethical life.<sup>1</sup>

The view that the forty or so opening passages of Spirit discuss Greek ethical life and its destruction is not wrong. But this is only a small part of their task. To see this we must elucidate some of the architectonic complexity of the passages before us. It is useful, for this purpose, to

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1. Examples of readings that emphasize the destruction of Greek ethical life are: Hyppolite, J., *Genesis and Structure of Hegel's 'Phenomenology of Spirit'* (Evanston: Northwestern University Press, 1974), 334ff.; Taylor, C., *Hegel* (Cambridge: Cambridge University Press, 1991), 172ff.; Jagentowicz Mills, P., "Hegel's *Antigone*," *The Owl of Minerva* 17 (1986): 131–47; Donougho, M., "The Woman in White: On the Reception of Hegel's *Antigone*," *The Owl of Minerva* 21 (1989): 78–89.

have the relevant part of the Table of Contents of the *Phenomenology* in view:

Reason

- C. Individuality that Takes Itself to be Real In and For Itself
- a. The Spiritual Animal Kingdom and Deceit, or the 'Matter in Hand' Itself
- b. Reason as Lawgiver (PhS §§419–28)
- c. Reason as Testing Laws (PhS §§429–37)

Spirit (PhS §§438–43)

- A. The True Spirit. Ethical Life\* (PhS §§444–45)
- a. The Ethical World. Human and Divine Law,\* Man and Woman (PhS §§446–63)
- b. Ethical Action. Human and Divine Knowledge,\* Guilt and Destiny (PhS §§464–76)

Now, the two opening passages of Spirit (PhS §§438–39), before turning to describe the trajectory of the whole section (PhS §§440–43), clearly describe modern ethical life and not Greek ethical life: “Spirit, being the *substance* and the universal, self-identical, and abiding essence, is the unmoved solid *ground* and *starting-point* for the action of all, and it is their purpose and goal, the in-itself of every self-consciousness expressed in thought” (PhS §439). Hegel is speaking of self-conscious action and thought; this stands in contrast to the beautiful ethical consciousness of the Greeks which is “essentially immediate” (PhS §476). Indeed, the only reason to think that Spirit opens with this last notion is that the passages following the opening turn to the tragedy of Antigone. The opening, though, is prospective. Indeed, if we compare its content with the opening of the Ethical Life section of the *Philosophy of Right*, we find that they describe the notion of ethical life in very similar terms, and, in the latter text too, the discussion of ethical life is prospective; it appears at the beginning of the section, though it is the end of the process described in it. In the *Phenomenology*, the only passage which is clearly concerned with the ruin of Greek ethical life and thus sets the Spirit section in motion is the last we are considering (PhS §476). When Hegel describes the trajectory that the section follows, he says that spirit “must leave behind it the beauty of ethical life, and by passing through a series of shapes attain to knowledge of itself” (PhS §441)—thus the logical conclusion of Spirit is the notion of modern ethical life, described in its very first passages. There is no such description at the end of Spirit.

The claim that the opening of Spirit is prospective is not controversial. It is, though, of great significance. For the very heart of the interpretation

I am proposing can be formulated as the claim that Hegel's theory of ethical life, and moral motivation in particular, is prospective, in conceptual and in historical-political terms. Hegel presents a view of action grounded in ethical life. The task of this book is to bring to the fore the question of *founding* such a form of ethical life. Succinctly, the claim of the first part of the book is that Hegel presents to us, conceptually speaking, a prospective view of ethical life and action, not a retrospective view. In the second part of the book, I will attempt to effect the same shift, reading Hegel's political philosophy and philosophy of history, both of which are very often taken to be retrospective in conceptual and historical-political terms. It is worth emphasizing that the interpretation I am proposing explains why both the *Phenomenology* and the *Philosophy of Right*—the two texts which systematically effect the move beyond Kant—give, in architectonic terms, a prospective view of modern ethical life. Furthermore, it is precisely because modern ethical life has yet to be founded that Greek ethical life—though earlier in the conceptual development—is presented in the *Phenomenology* as superior, in a sense, to Kantian morality. Greek ethical life is the first approximation of modern ethical life, conceptually and historically, and the only model already available to us.<sup>2</sup>

This claim is very strongly supported by the following fact, which, strangely enough, is often overlooked.<sup>3</sup> Hegel not only formulates the discussion of the first subsections of Spirit as a reading of the tragedy of Antigone. At the end of Reason as Testing Laws, after the most exacting formulation of his charges, Hegel heralds Antigone as exemplary of the transition beyond the deadlock of Kant's moral theory (PhS §437). The tragedy of Antigone signals the transition to Greek ethical life and serves as the model for the transition to modern ethical life.<sup>4</sup> Thus, for Hegel, the discussion of Antigone is of the greatest contemporary relevance.

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2. For this point see, Wood, *Hegel's Ethical Thought*, 133.

3. But see, Pinkard, T., *Hegel's Phenomenology: The Sociality of Reason* (Cambridge: Cambridge University Press, 1994), 132–34; Rockmore, T., *Cognition: An Introduction to Hegel's Phenomenology of Spirit* (Berkeley: University of California Press, 1997), 114–15; Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 350.

4. Hegel identifies Antigone with the principle of the family, both in the *Phenomenology* and in the *Philosophy of Right* (PR §166R). In Hegel's historical analyses, the transition from the patriarchal-tribal condition signals the *emergence*

Finally, the destruction of a shape of life is the very condition of the foundation of a new shape of life. Thus, the claim that conflict and destruction are a topic of the first subsections of Spirit does not contradict the claim that they describe the foundation of a form of life. The reason for this is of the greatest importance. Indeed, it is a central theme of the rest of this book. We will begin to unravel this complex relation in the following discussion.

## 2. Hegel's Conception of a Founding Act of Ethical Life

### *Hegel's Antigone*

After the death of Oedipus his sons inherit the throne of Thebes. Eteocles rules first. But he does not pass the reign to his brother Polynices as agreed. Polynices goes into exile, enlists a foreign army and returns at its head to take the city by force. In battle the two brothers meet face to face and brother dies at brother's arms.

Creon, the brothers' uncle, takes power over Thebes. He gives the defender of the city a hero's burial. The other body is left exposed outside the city walls, carrion for the birds and dogs. He forbids the burial of the corpse on pain of death.

But at night Polynices is buried. Creon orders that the corpse be exposed again. And at noon Antigone is caught burying her brother again, alone, without the help of her sister Ismene. The pleading of Haemon, Creon's son and Antigone's betrothed, cannot change the verdict. Antigone is entombed forever, still alive, in a cave.

The prophet Tiresias directs Creon to release Antigone from the cave in which she is buried alive and to bury her dead brother. But when he reaches the cave Creon discovers that his son has arrived there first. Haemon finds Antigone hanging by a cord of her dress. He draws his sword, lunges at his father, misses and takes his own life. Creon's wife Eurydice kills herself too when she hears of her son's death.

These are the bare facts of the tragedy of Antigone, as told by Sophocles. To understand Hegel's conception of the foundation of a form

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of Greek ethical life. See, H-Werke 12 277–79; H-Werke 18 179–80; the conceptual but not historical relation structures the Family subsection of Ethical Life (PR §§158–81).

of life we must understand how he employs the tragic conflict between Antigone and Creon to expound his idea of the founding act of ethical life. I say 'employs' rather than 'interprets,' because whether or not Hegel's use of the tragedy is thought to be a viable interpretation of Sophocles's text, it is in its terms that he presents his conception of the foundation of a shape of life, in the first subsections of Spirit.<sup>5</sup>

The first question we must settle is whether indeed Antigone's act is, for Hegel, a founding act. For a powerful force all but compels us to read the tragedy of Antigone as exemplary of a heroic act, done for the sake of the higher law in the face of the greatest opposition. Antigone acts for the sake of the moral law and against all hope of happiness and any instinct of self-preservation. She is—we so want to say—an exemplary moral agent in the Kantian sense, the epitome of his ideal of moral self-sacrifice (see, R 61). If we were to try to formulate more concretely

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5. I attempt to offer the outline of a viable Hegelian interpretation of Sophocles's *Antigone* in "Die Tragödie der Gesetzgebung und der Skeptizismus der moralischen Anerkennung: Hegel über Antigone und Krieg," in *Skepsis und literarische Imagination*, ed. B. Hüppauf, K. Vieweg (Munich: Wilhelm Fink Verlag, 2003).

A further question is lurking here, one that I will not attempt to answer in this book but do in my "Is Art a Thing of the Past? The Political Work of Art between Hegel and Schiller," *Idealistic Studies* 35 (2005). Hegel says that the sort of conflict ancient tragedy exemplifies is "the true and purely ethical interest of ancient tragedy" (PR §141R) and presents his view of the foundation of ethical life through the tragedy of Antigone. But is the use of the *Antigone* here necessary? Can Hegel express his view otherwise than through a work of art, through *this* work of art? The latter question asks whether in presenting the idea of a founding act of ethical life "art, considered from the side of its highest determination\*, is and remains for us a thing of the past" (LFA 11). This question is rendered all the more acute by Speight's discovery that Hegel employs literary works to present his theory of agency from the middle of the Reason section and throughout the Spirit section of the *Phenomenology*. Particularly important for our investigation is his claim that, for Hegel, ancient Greek tragedy "opens up the retrospective experience of agency." Speight, A., *Hegel, Literature and the Problem of Agency* (Cambridge: Cambridge University Press, 2001), 8. Though I will not address the question of the necessity of art as the medium of presenting the founding of ethical life, I will take up the important and related Hegelian theme of the limits of philosophy in the concluding chapter.

the moral law on which she acts, we would describe her as obeying the law commanding the right of burial to every human being and Creon as an immoral tyrant.<sup>6</sup>

It is of the utmost importance then to see that Hegel does not think of Antigone as acting for the sake of an acknowledged moral value. Indeed, he repeatedly contrasts Antigone's law with the publicly acknowledged law, represented by Creon; and he claims, moreover, that hers is not a law reflectively—and so, consciously—adopted. We might say—introducing a term which is of crucial importance for Hegel—that her law is *acknowledged* neither in moral-psychological terms nor in political terms. If this fact has not been seen by his readers, it is not for lack of textual evidence, but must be, to a large extent, precisely because of the all-but-overpowering need to see Antigone as an exemplary moral figure. Hegel says several times that her community does not acknowledge the law Antigone follows. He explicitly contrasts Antigone's law with the "*known* law, and the prevailing custom," the truth of which is "the authority which is openly accepted and manifest to all" (PhS §448). This indeed is what Hegel means by saying that Antigone's law is the law of the gods of the 'nether world.' Moreover, Hegel repeatedly characterizes Antigone's law as unconscious: "She does not attain *consciousness* of it, or its actuality [*Wirklichkeit*], because the law of the Family is an implicit [*ansichseiende*], *inner* essence which is not exposed to the daylight of consciousness, but remains an inner feeling [*Gefühl*] and the divine element that remains exempt from attaining actuality [*Wirklichkeit*]"\* (PhS §457). Hers is "the law of emotive [*empfindend*] and subjective substantiality, of inwardness which has not yet been fully actualized [*Verwirklichung*], as the law of the ancient gods and of the chthonic realm [*des Unterirdischen*]" (PR §166R). For Hegel,

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6. The temptation to make Antigone an exemplary moral figure is hardly escapable, despite the fact that Sophocles's text does not lend itself to any such simple reading. There are countless examples of this tendency, perhaps the clearest being Brecht's rewriting of the tragedy: Creon is a tyrant waging an unjust war in which Eteocles falls victim; Polynices in pain and protest defects and is killed; Antigone, burying her dead brother and opposing tyranny, is the exemplary figure of civil disobedience. Brecht, B., *Sophocles' Antigone*, trans. J. Malina (New York: Applause Theatre Book Publishers, 1990). By saying this I do not mean to be dismissive of Brecht's *Antigone*. His concerns in this piece seem to me to be principally theoretical.

Antigone stands for immediate, unreflective certainty in doing what she must do: Her “ethical disposition [*Gesinnung*] consists just in sticking steadfastly to what is right, and abstaining from all attempts to move or shake it, or derive it” (PhS §437); Antigone has to think “neither of making laws nor of testing them” (PhS §437), he says, referring, of course, to the final subsections of Reason that deal with Kant. Indeed, in Kantian language, Hegel is saying that Antigone’s act is not done for the sake of duty. Antigone’s act is not, in Kant’s sense, a moral act, for it is not an action motivated by recognition of the formal universality of law, nor is it an act done for the sake of a value an actual ethical community already shares.

But saying that Antigone’s act is not motivated by conscious recognition of the formal universality of law does not distinguish it from the position with which Hegel’s criticism of Kant began. In Reason as Lawgiver sound reason is characterized as immediately certain what course of action to take. The crucial difference is that Antigone’s act is a first or founding act. Hegel clearly says that it is, and, again, it can only be the need to think of Antigone as an exemplary moral agent, sacrificing her life for the sake of an acknowledged moral law, that can explain how this claim is overlooked. The conflict between the laws of Antigone and Creon is all but universally taken to be a conflict between two different laws or, to avoid any misunderstanding, two laws with different *contents*. Taken this way, the conflict cannot be a conflict between two moral laws. For Kant is clearly right to assert that in the moral realm “two rules opposed to each other cannot be necessary at the same time” (MM 224); Hegel himself denies that our concern is the “comic spectacle of a collision between duty and duty” (PhS §465). The assumption that the conflict erupts between the contents of two particular laws leads to the idea we encountered above that Hegel’s concern is with the mere relativity of the values embodied in Greek ethical life, destroyed for this very reason.

Hegel, however, says that Antigone’s law is not a law different from the acknowledged law of the city. It is the very same law. He says explicitly that each of the laws is “Spirit in its entirety” (PhS §446) and that “each of the opposites in which the ethical exists contains the entire substance, and all the moments of its content [*Inhalts*]” (PhS §450). He also says how the two are related: the “human law proceeds in its living process from the divine, the law valid on earth from that of the nether world, the conscious from the unconscious, mediation from immediacy” (PhS §460; see also,



PhS §474). The conflict between Creon or the city of Thebes and Antigone is thus the act of making or founding the moral law as the shape of an actual form of life. It is a conflict which effects the transition between the “possibility of the ethical sphere” and “its self-conscious actuality\* [*Wirklichkeit*]” (PhS §450). Furthermore, we saw that for Hegel a law is made actual in a shared form of life *and* in the individuals who partake in it. Thus, Hegel also speaks of making the law actual as the process through which an individual becomes a full member of the community (PhS §§473–74).

Antigone then is acting on a law of which she has no conscious knowledge and which is not an acknowledged law that governs life in her city. Her act can be characterized, in Hegelian terms, precisely as an act that receives acknowledgment neither from its agent nor from the community. There is a couplet in Sophocles’s *Antigone* which Hegel quotes again and again; it is the emblem, in the *Phenomenology*, of the transition beyond Kant. The lines proclaim of the laws of the nether world:

They are not of yesterday or today, but everlasting,  
Though where they came from, none of us can tell. (PhS §437)

It is hard to overestimate the importance of this couplet for Hegel. It recurs in his writings no less than six times.<sup>7</sup> He is gripped by it precisely because it proclaims that none of us witness the founding of the law.

### *Acknowledgment and the Founding of Ethical Life*

Two questions arise here. First, why does the founding act of a new shape of life pass unacknowledged, in both the moral-psychological and the political sense, and is it of necessity unacknowledged? Second, why does it take shape as a violent conflict and is it necessarily violent? The short and simple answer to the first question is that the founding act goes unacknowledged precisely because it is a first act. It does not yet govern the action of citizens and life in their city. Thus, the citizens of the city do not recognize its significance. Theirs is a community that is not governed by this law, say, to make things more concrete, the law enjoining the right of burial of every person, even a traitor (see, *Antigone* 516), or as Hegel

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<sup>7</sup> See, PhS §712; PR §166R; PR §144A (VPR21/23 484); H-Werke 18 443; LPH 94.

thinks of it, recognition of the humanity of Antigone's dead brother. Indeed, the law governing their city dictates leaving the body exposed.<sup>8</sup> They do not therefore recognize their duty to the dead Polynices. Indeed, in Sophocles's text, it is only at the end of the tragedy that Creon, who stands for the sphere of social acknowledgment, performs the burial rite—and thereby makes it a law of the city (*Antigone* 1113–14).

This much is perhaps no more than common sense. The question is whether it is of necessity that the city does not acknowledge Antigone's founding act. More generally phrased, we are facing a decisive question: Does momentous social change necessarily go unacknowledged? The affirmative answer to this crucial question reveals the most fundamental insight behind Hegel's notion of ethical life.

The claim that individuals cannot recognize a value that does not shape life in their community can be taken initially as an epistemological claim. In the moral realm it is human thought that shapes the world. It is perhaps this idea that makes the suggestion that we can grasp meaning without reference in the world seem more plausible in practical philosophy than it is in theoretical philosophy. But it is not. The idea that moral thinking can fly free of reality is no more acceptable than the idea that theoretical thinking might make no contact with the empirical world, for surely we would have no idea what friendship is, for example, if we did not encounter any friendly acts. Indeed, the idea ought to be even harder to palate. For there is something fundamentally unacceptable in the thought that an agent might have perfect knowledge of what morality prescribes but not ever act morally. Such an imagined agent cannot be said to understand the meaning of moral laws or of morality quite generally. This is precisely the juncture where the two senses of emptiness Hegel employs—to lack content and to lack actuality—coincide (see again, Chapter 1, 3, Hegel's Notion of Ethical Life as Making Actual Kantian Morality). Moral thinking without action, we might say, is utterly empty.

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8. The injunction against burying a traitor in the ground of Attica is mentioned by Thucydides. Themistocles's relations brought his bones to Attica and buried them in secret (*History of the Peloponnesian War* 1.138). For the ancient sources on this issue see, Appendix C in D. A. Hester, "Sophocles the Unphilosophical: A Study in the *Antigone*," *Mnemosyne* Series IV, Volume XXIV, Fasciculus 1 (1971): 54–55.

Hegel thinks, I propose, that the claim that individuals cannot recognize a value that does not shape their shared life—precisely by determining their action—is a conceptual truth. The very significance or meaning of value is embodied in a shared way of life. And to understand a value is to act on it, as part of a common practice. Moral reason is practical knowledge. It is knowledge that guides action. In other words, nothing but acting for reasons is knowing your way around the space of moral reason, certainly not formulating in words what ought to be done but taking no action. Action, logically and in reality, is a condition of practical knowledge. And action is essentially social. Acting is moving for reasons. And reasons we share.<sup>9</sup>

A community cannot therefore acknowledge a practical law that does not guide its action, indeed, is diametrically opposed to it. For acknowledgment is knowledge that moves to action. This means that Antigone's founding act necessarily goes misunderstood or unacknowledged by the community, and vice versa.

Since it sees right only on one side and wrong on the other, that consciousness which belongs to the divine law sees in the other side only *violence* of human arbitrariness\* [*menschliche zufällige Gewalttätigkeit*], while that which holds the human law sees in the other only the self-will [*Eigensinn*] and *disobedience*\* of the individual who insists on being his own authority. For the commands of government have a universal, public meaning [*Sinn*] open to the light of day; the will of the other law, however, is the meaning\* locked up in the darkness of the nether regions, and in its outer existence manifests itself as the will of an isolated individual which, as contradicting the first, is a wanton outrage. (PhS §466)

The realm of public meaning is necessarily blind to the significance of the act that will transform it. The founding act must therefore appear as violent self-will (*Eigensinn*; the idiosyncratic meaning of a single individual). On the other side, the violent revolutionary act is itself blind to the fact that it is only in the public sphere of acknowledgment that its very significance lives.

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9. The claim that action precedes knowledge is central to Taylor's reading of Hegel's theory of action. Taylor, C., "Hegel's Philosophy of Mind," in *Human Agency and Language: Philosophical Papers 1* (Cambridge: Cambridge University Press, 1985). Taylor traces what he calls 'expressivist theories of meaning' to Herder's critique of Condillac in "Language and Human Nature" in *Human Agency and Language*, 227–34.

This idea is illuminatingly and most beautifully exemplified in Sophocles's text. Antigone acts alone. A burial, however, is not an act a person can perform alone. For it is not the physical act of strewing dust on a dead body. A burial is the last honor given the life of a person by the community within which this life was lived. Interment is the act of a community. The citizens of the state must witness and participate in the burial of Polynices. But they do not. After Antigone first performs the burial rites, the body is exposed again. And she is condemned to bury her brother again. Antigone cannot bury her brother alone. And neither the participation of her sister Ismene, in words alone (*Antigone* 535–45), nor the slowly growing, but inactive sympathy of the chorus (*Antigone* 724–25, 801–5) can take the place of action. Hegel denounces the state of mind of passive spectators—and this might be taken as a direct response to Kant's claim that not the action of the women and men of the French Revolution but “the mode of thinking of the spectators [*Denkungsart der Zuschauer*]” (CF 85) is evidence of human morality; he calls this state of mind “spectator-consciousness [*zuschauendes Bewußtsein*]” (PhS §§734–35). Thus, Antigone's action cannot be acknowledged until the city undergoes an ethical revolution.

We saw that Hegel says that neither is Antigone's act acknowledged by her community nor indeed is she herself conscious of the significance of her deed. We must ask then the complementary question to the one just considered: Why can Antigone not recognize the law moving her to action; why is Antigone's law characterized as necessarily unconscious? The answer to this question, however, is the very same answer given to the previous question. Like other citizens, Antigone cannot recognize a law that is not embodied in her community as a shared practice. She acts without knowing the significance of her action and so cannot formulate the universal law on which we want to think she acts.

That Antigone is blind to the universal import of her action is revealed by the most terrible lines of Sophocles's text. In her only moment of weakness Antigone attempts to formulate the law upon which she acts.

What law,  
you ask, do I satisfy with what I say?  
A husband dead, there might be another.  
A child by another too, if I had lost the first.  
But mother and father lost in the halls of Death,

No brother could ever spring to light again.  
 For this law alone I held you in honor.  
 For this, Creon, the King, judges me a criminal  
 Guilty of dreadful outrage, my dear brother! (*Antigone* 904–15)

When she tries to formulate explicitly her reason, the universal law on which she is acting, the result is horrific. The moment in which the humanity of the individual first attains value betrays the general principle upon which we want to think Antigone acts, and we find instead that she would forsake to the carrion-eating animals the body of a child or a husband (PhS §457).<sup>10</sup>

The claim then is that the founding act of ethical life necessarily goes unacknowledged, because value is embodied in an already founded form of life. This claim might, at first sight, strike us as question-begging. It might look as though Hegel is trying to defend one part of his theory of

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10. Some interpreters claim that these lines are apocryphal. The main argument behind this claim is the content of the reason. This, of course, is not a strictly philological argument but an interpretative one. The main philological claim against it is that Aristotle quotes the lines and does not doubt their authenticity (*Rhetoric* 1417a31–32). For a list of discussions of this question, which includes the vote of each interpreter, see, Appendix D in Hester, “Sophocles the Unphilosophical: A Study in the *Antigone*,” 55–58. In a conversation with Eckermann regarding a book by H. F. W. Hinrichs, Goethe expressed the wish that the lines be found apocryphal. Hinrichs was one of Hegel’s first and most loyal students. See, *Goethe Sämtliche Werke: Eckermann Gespräche mit Goethe* (Frankfurt am Main: Deutscher Klassiker Verlag, 1999), 586–87.

Even among those who do not claim the lines are spurious, many disregard this terrible reason. A noteworthy exception is Lacan. His claims to the contrary, Lacan’s reading bears a striking affinity to Hegel’s, on the reading of Hegel I am suggesting. Both see Antigone’s act as constitutive of the order of the ethical, though standing outside it: “Antigone’s position represents the radical limit that affirms the unique value of his being without reference to any content, to whatever good or evil Polynices may have done, or to whatever he may be subjected to.” Lacan, J., “The Essence of Tragedy: A Commentary on Sophocles’s *Antigone*,” in *The Seminar of Jacques Lacan; Book VII: The Ethics of Psychoanalysis 1959–1960*, ed. J.-A. Miller, trans. D. Potter (New York: W. W. Norton, 1997), 279.

A sustained effort to imagine Antigone’s unimaginable position is found in Butler’s book on Antigone. See, Butler, J. P., *Antigone’s Claim: Kinship between Life and Death* (New York: Columbia University Press, 2000).

the social incarnation of value—the founding act—by assuming the truth of the other—action under ordinary circumstances. In other words, the claim that founding action necessarily goes unacknowledged is explained by the claim that value is incarnate in a founded sphere of practical acknowledgment. I suggested at the beginning of this chapter though that Hegel is read to the greatest benefit by taking these two parts of his view as supporting one another. In the Introduction I described the realm of morality as torn by the conflicting demands of abstraction and concreteness and asked whether we must choose one side over the other. Hegel is best read as heeding both demands. The idea of a founding act of ethical life is the idea that a condition of morality is abstraction, action undetermined by given inclinations and a shared form of life. The idea that acknowledgment is a condition of the very significance of value is the ideal of concreteness; it is only in action within a community that values live. Hegel thus gives weight to both demands. To object, however, that this is a weakness of his view is precisely to align oneself with one side of the conflict and to refuse to recognize the demand of the other. And this is to beg the question against Hegel. Hegel does not resolve the conflict between abstraction and concreteness. On the contrary, what Hegel does is present the conflict as necessary. It is the necessity of acting in abstraction of all given values incarnate in a shared form of life.

### *The Violence of the Founding Act*

The question to which we now turn is why Hegel sees the act through which a new law is enacted in a community as a violent conflict. The answer I will give in this subsection will be merely preliminary and will be supplemented in the second part of the book, where we will be able to ground the answer in Hegel's political philosophy (see, Chapter 6, 4, Violence and Acknowledgment).

Now, the previous subsection established that a transformation is necessary for a community to acknowledge a new law in action. But why does this transformation take the shape of a violent conflict? Isn't it possible that the first actual appearance of a value peacefully transforms a community? The necessity of the violence of the transformation through which one form of consciousness or shared life is supplanted by another is precisely what Kant denies. In "Is the Human Race Constantly Progressing?" Kant

identifies the moment of political transformation to morality not in the violence of the French Revolution but in the merely wishful participation of spectators (CF 85). Against its historical background, Kant's denial of the necessity of revolutionary action as the origin of the moral epoch of freedom might well strike us as a piece of self-delusion.<sup>11</sup>

Hegel thinks that the transformation of a community that does not acknowledge a new law into a community governed by this law is not the transition Kant—rarely suspected of optimism—wishfully imagined. The law of the city passes through a crisis in which it no longer commands the obedience of its citizens. This sort of crisis is exemplified by Antigone's revolt. But it is also, for Hegel, the significance of the civil war in which Antigone's two brothers meet face to face and brother dies at brother's hand. For Polynices—by agreement the ruler of the city—wages a war against his own brother and his own city. The city has to pass through civil war and the revolt of Antigone before it is transformed (PhS §§473–74). It passes through a break in the rule of law, through a state of lawlessness, in which the empty husk of the law is all that remains of the everyday ethical life of the city. The transformation is the destruction of the actual shared life of a city and the violent foundation of a new shape of life. Indeed, the view that the transformation of a society is violent seems implicit in the very idea of a founding act. It is, we saw in the previous subsection, necessarily denied social acknowledgment and is blind to its dependence on this recognition.

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11. We find the idea that Germany will achieve in thought—or only in thought—what the French have achieved in action everywhere from Kant, to the early German Romantics to Marx and Engels.

In Germany, though, one can point out with complete certainty the traces of a new world. In its slow but sure way Germany advances before the other European countries. While the other countries are preoccupied with war, speculation and partisanship, the German diligently educates himself to be the witness of a higher epoch of culture; and such progress must give him a great superiority over other countries in the course of time. (Novalis, "Christianity or Europe: A Fragment," in *The Early Political Writings of the German Romantics*, ed. and trans. F. C. Beiser [Cambridge: Cambridge University Press, 1996], 73.)

I will return to the attribution of this position to Hegel by Engels and Marx in Chapter 4.

Thus, each of the two sides sees the other as violent: “the divine law sees in the other side only the *violence* of human arbitrariness,\* while that which holds the human law sees in the other only the self-will and *disobedience*\* of the individual who insists on being his own authority” (PhS §466).

That violence and destruction are a necessary condition of the first appearance of the moral law is clearest when we think of Antigone and her revolutionary act. Aristotle notwithstanding, there is no change in her fate, no *peripeteia*, no transformation from ignorance to knowledge (see, *Poetics*, Ch. 10–11). This conception of tragedy might fit Creon, not Antigone. Antigone is doomed to death from the start already a victim to the transformation her action effects (see, PhS §§470–71). As we will see in the second part of the book, this indeed is always the fate of those Hegel later calls world-historical individuals. They are destroyed by the world to which they give birth.

Antigone, like other world-historical individuals, is not only a victim of the violence of revolutions. She herself is violent. Antigone is blind to the universal significance of her action; or, in other words, she is blind to the dependence of her action on the acknowledgment of the city. This blindness is violence. And yet it is only because she is blind to the dependence of action on recognition that she is not impeded by the certain knowledge that her action will go unrecognized. The act of revolutionary law-making is possible only for an agent who does not know—or, more precisely, does not acknowledge—that the significance of action depends on social recognition. This is the tragic, violent blindness of the law-maker.

This idea can be developed by considering the figure of Ismene, Antigone's sister. Like her sister, Ismene too knows her duty to her brother and like her sister she is willing to die (*Antigone* 544–45). But she knows too the law of the city. Her action, she knows, will go unacknowledged. And its significance, we might imagine she knows, depends on this acknowledgment. This knowledge is paralyzing. It condemns her to love in words alone (*Antigone* 543). Ismene loves in words, but not in action. In the situation that calls Antigone to revolutionary action, to understand the dependence of action on recognition is to be stricken by the powerlessness that might be called skepticism of moral acknowledgment.<sup>12</sup> Hegel here reveals an all-too-real and pervasive human predicament. We are

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12. I owe this term to Allen Wood.



powerless to act alone. Antigone's violence, her blindness to the dependence of ethical meaning on social recognition, explains why she acts but Ismene cannot. In one of the most striking lines of Sophocles's text, Antigone is *charged* precisely with being "autonomous" (*Antigone* 821)—a law to herself alone.

I cannot stress enough (and so will repeat again and again) that Hegel by no means justifies the collapse of the ethical sphere as a condition of its transformation. We will see in detail in the second part of the book that he, like Kant, utterly condemns it as a state of lawlessness and absolute violence. But he does think it is a logically necessary condition of the transformation of ethical life.

The question of how the moral law comes to shape the life of a community reveals the core of Hegel's criticism of Kantian morality. Hegel holds that a radical political transformation is a necessary condition of moral action and insists precisely on the necessity of the violence of founding a new shape of ethical life. As we will see in the second part of the book, Hegel thinks that a society can undergo a transformation and survive, though the life of a generation is claimed by the transformation. The individual law-maker, however, cannot survive the violence of the transformation. A new shape of ethical life is founded by violent action, the significance of which is understood neither by its agent and victim nor by the community it transforms. I emphasize again that this action is a logically necessary condition, but it emphatically is not ethically justified. This is the tragedy of the founding of a new shape of life.

### *From Nature to Freedom*

One way in which Hegel characterizes Antigone's founding act is as an act that first acknowledges Polynices's humanity and thereby makes him a part of the moral realm. The passages where Hegel says this most explicitly enable us to see that by making this claim he is answering the Kantian problem of a transition from nature to freedom.

This universality which the individual *as such* attains is *pure being, death*; it is a state which has been reached *immediately, in the course of Nature*, not the result of an action *consciously done*. The duty of the member of a Family is on that account to add this aspect, in order that the individual's ultimate being, too, shall not belong solely to Nature and remain something non-rational\* [*Unvernünftiges*],

but shall be something *done*, and the right of consciousness be asserted in it. (PhS §452)

In itself the life of Polynices and his death are part of the natural order of the world and not part of the acknowledged or conscious order of value and action (it is not “the result of an action *consciously done*”). As a natural phenomenon death has no significance. And the life it cuts short has no value in itself. Antigone's duty is to make the death of her brother (the ‘universality of the individual’)—and thereby his life—into part of the acknowledged order of values. Her action takes Polynices as part of the order of nature and raises him into the order of the ethical or the rational. The duty Antigone bears is not obedience to the law of her city, nor is her action determined by another existing, universal law. She acts for the sake of the individual who lies outside the law; and it is her action that enfolds her brother within the arms of the law. Antigone's action first makes her dead brother into a human being and a moral end.

We saw in Chapter 1 that in Reason as Lawgiver Hegel claims that the Kantian demand to act from the formal universality of law robs us of the very inclination that is a necessary condition of action within an ethical form of life. His example there is love, which for Kant is not a moral motive but “a matter of *feeling* [*Empfindung*]” (MM 401). In the passages we are now examining Hegel returns to this example to explain that the idea of a founding act of ethical life implies another sense of the necessity of acting from inclination (PhS §§451–53). It is the necessity of Antigone's ethical disposition (see again, PhS §437). He characterizes the burial Antigone gives Polynices as motivated precisely by love:

This last duty thus constitutes the perfect *divine* law, or the positive *ethical* action towards the individual. Every other relationship to him which does not remain one simply of love but is ethical, belongs to the human law and has the negative significance of raising the individual above his confinement within the natural community to which he as *actual*\* [*wirklicher*] belongs. (PhS §453)

The act which first makes Polynices a moral end does not belong to the ethical sphere. Quite the contrary. Motivated simply by love, it is an act that takes the individual precisely as merely natural. Antigone might be described as responding to what Kant, we saw, in speaking of the violence of revolutions, suggestively describes as “a call of nature [*Ruf der Natur*]” (PP 373 note). Her moral genius is making the natural individual

her end; she responds to the natural individual “as *actual*.” This “positive *ethical* action towards the individual” is the foundation of ethical life.<sup>13</sup>

In Chapter 2 we saw that Kant’s philosophy of history posits a transition from being determined by inclination or ‘unsociable sociability’ to moral action, a transition from the ‘epoch of nature’ to the ‘epoch of freedom.’ What Hegel is describing here is precisely this transition from nature to freedom, a transition that first makes a person into a human being and a moral end. This idea that the foundation of a new form of life is a transition from nature to freedom is moreover one that will be a key to understanding Hegel’s political philosophy in the second part of the book.

We saw above that for Kant every moral action must be motivated by recognition of the formal universality of law, never by our natural inclinations. Hegel’s criticism of Kant begins with the thought that this theory of moral motivation banishes moral action from this world and makes moral motives alien, forever distant from what is most immediately human. For him, the action of a person who has been well brought up, in the right

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13. I said in Chapter 1 that with hindsight we can find Hegel attempting to effect the move beyond Kant in the early Jena period (see, Chapter 1, footnote 18). The passage I have in mind is found at the end of the discussion of Kant in the *Natural Law* essay. There Hegel speaks of a pain which is raised out of the realm of sensation and given objective necessity as part of a present shape of ethical life (NL 128–29). He speaks of a transition from what Kant would refer to as being determined by an inclination (to spare ourselves or another the physical sensation of pain) to a moral value (a moral concern with the physical well-being of a person who is a moral end). As in the passages we just examined, the act is described as a transition or sublation (*Aufhebung*), rising from the realm of nature to the realm of reason. It is thus characterized as being moved to action by a motive that cannot yet be called moral. The action first confers value on an end and is in this sense a first or founding moral act. It is not, though, a moral act in the Kantian sense.

With historical hindsight it is easy to liken Antigone’s act to the revolutionary action through which, for example, slaves attained freedom or women—the franchise. The impossibility of seeing an Antigone in our midst is the impossibility of finding a moral imperative that commands acting for the sake of a being that does not fall within the compass of its law. This is one way to read the injunction to bring dead animals to burial, obeyed by the protagonist of Coetzee’s *Disgrace*. Coetzee, J. M., *Disgrace* (London: Secker & Warburg, 1999).

social and political community, is moral, though it has become second nature to its agent. Unlike Kant, Hegel holds that human inclinations can be rationally reformed. But Hegel, I claimed, does not reject the Kantian insight that a necessary condition of morality is a radically autonomous act that is not determined by an already founded form of ethical life and the character it shapes. It is precisely in recognizing this demand and making the idea of a first or founding act of a form of life a necessary condition of morality that Hegel lays claim to the inheritance of Kant's moral philosophy. Kant's theory of moral motivation, however, cannot support a distinction between a first or founding act of morality and the action of a character shaped by an already founded form of life. For the latter, though possibly without fault, are not moral; differently put, for Kant, every moral action is, in a sense, a first.

In this chapter we examined Hegel's account of a first or founding act of ethical life. This account, overlooked by his readers, is a necessary part of his theory of moral motivation and of ethical life more generally. A shared form of life and the action it fosters has its origin in a founding act. This act is not itself part of a founded and acknowledged form of life. Consequently, the significance of the first or founding act of ethical life is not understood by its agent; thus the sense in which it might be called autonomous stands in opposition to the Kantian sense. Nor is it understood by the community it transforms. And precisely because the revolutionary agent and the community are blind to each other, the act is necessarily violent. This tragic blindness is a necessary condition of the foundation of a new form of life.

The second part of the book has one primary goal. Hegel's characterization of a founding act of ethical life is still highly abstract. It would be highly ironic if it were so to remain. For Hegel, of course, is criticizing the abstraction of Kantian morality. In the following chapters I will ask where Hegel makes his conception of a founding act more concrete. Simply put, where in our practical lives are there such acts? This question will take us to Hegel's political philosophy and philosophy of history. The first part of the book focused on the transition from Kantian morality to Hegelian ethical life in the transition from Reason to Spirit in the *Phenomenology*. The second part will focus on the second such systematic transition, found in the *Philosophy of Right*. Specifically, I will argue, this political

transition is to be sought in Hegel's discussion of war. This discussion, I will further argue, is anticipated by the discussion of the French Revolution and its aftermath in the *Phenomenology*.

This last argument will allow us to explain why we have focused throughout the first part of the book on only one of Hegel's discussions of Kant in the *Phenomenology*. For the third part of Spirit—Spirit That Is Certain of Itself. Morality (PhS §§596–671)—is concerned with the conceptual possibilities opened up by Kant's philosophy; and the first of these, The Moral View of the World (PhS §§599–615), addresses Kant specifically. But Hegel's concern there is not with the transition beyond Kant. Rather, he is concerned with the infinite distance which separates, within Kant's theory, consciousness of duty from its actual fulfillment in the world, and human reason from our sensuous nature. The bridge Kant throws over these faults takes the logical shape of a postulate, and this, Hegel claims, is no bridge at all. But a move beyond Kant and the conceptual possibilities related to him can be glimpsed in this part of the *Phenomenology*. I will attempt below to unravel the architectonic considerations that explain why this transition beyond Kant is signaled—not effected—in the discussion of the French Revolution and its aftermath that *immediately precedes* the section discussing Kant, Absolute Freedom and Terror (PhS §§582–95). We will seek then in Hegel's account of revolution and war—the French Revolution and the Napoleonic wars, more specifically—the founding act of modern ethical life.

Before turning to Hegel's discussions of revolution and war in Chapters 5 and 6, I will raise in Chapter 4 the question of Hegel's notorious dictum, "What is rational is actual; and what is actual is rational" (PR Preface, p. 20). It is read as claiming that the rational becomes actual; put in terms of practical philosophy, it is read as claiming that the moral law comes to shape political reality. Thus, the dictum poses the frame of the discussion of the concept of the founding act of ethical life and its historical-political instances. For this concept purports to describe how reason comes to shape political reality.

PART II

THE FOUNDING ACT OF MODERN  
ETHICAL LIFE



## The Question of the Actuality of the Rational

In the first part of the book I presented an interpretation of the emptiness charge lodged by Hegel against Kantian morality. I claimed that Hegel's principal concern is with the question of how the abstract law of moral reason comes to shape social and political reality. Hegel's conception of a founding act of ethical life, I claimed, contends precisely with this question. It is the central task of the second part of the book to develop this conception and identify the concrete instances of such founding acts in Hegel's political philosophy and philosophy of history.

Before we turn to this task, in Chapters 5 and 6, it is important to present its frame. The idea that reason comes to shape social and political reality lies at the heart of Hegel's philosophy and poses what is probably its most notorious node. In this chapter we will consider the much-discussed and much-maligned assertion: "What is rational is actual; and what is actual is rational" (PR Preface, p. 20). Most extremely, Hegel has been charged with being an apologist for the political status quo however morally loathsome it might be, as identifying the rational with what exists. The first section will present Hegel's own explication of his assertion that the rational is actual and the actual is rational in the *Encyclopaedia Logic*, and we will see that this indictment is entirely unfounded. The second section will delineate the various interpretations of the dictum. Its divergent interpretations agree that it contains, in a nutshell, Hegel's view of history. All its intellectually responsible interpreters read Hegel's dictum as the assertion



that it is in history that reason comes to shape social and political reality: *The rational becomes actual*. Its interpreters further agree that the historical process through which the rational becomes actual is at its end, or near its end. Partly perhaps for this reason they think that the mere assertion that the rational becomes actual is all Hegel has to say on the subject.

Against this point of general agreement, it will be the task of the third section of the chapter to raise the possibility that this is not the case and that the notorious assertion *poses the philosophically and historically imperative question of how the rational becomes actual*. This question, I will suggest, is not answered in Hegel's discussion of the dictum. Differently put, although Hegel clearly thinks that it is in history that the rational becomes actual, merely asserting this is not his final word on the matter. In the following two chapters we will turn to Hegel's political philosophy in search of the historical-political moment of the founding act of modern ethical life and we will see that it does not lie in the past. It is my claim that *the founding act of modern ethical life is the act that makes the rational actual*.

## 1. The Question of Interpreting Hegel's Practical Philosophy

What is the end of Hegel's philosophy? What, more specifically, is the end of Hegel's practical philosophy? Is the end a final description and analysis of the ethical sphere and is the moral already actual in full and so present to be described? Or is it best read as calling to make the moral actual? Does Hegel's philosophy promise only theoretical knowledge or does it also call for revolutionary action?

This is the most general question asked of Hegel's practical philosophy by the stormy tradition of its reading. Yet, despite the fact that very different answers have been given to this question, to which we will return in the next section and in the concluding chapter of the book, it is all but universally agreed that Hegel's philosophy quite generally, and his practical philosophy in particular, aims to offer us theoretical knowledge of the present only. This is what Hegel himself seems to say in the notorious Preface to the *Elements of the Philosophy of Right*.

To comprehend *what is* is the task of philosophy, for *what is* is reason. As far as the individual is concerned, each individual is in any case a *child of his time*; thus

philosophy, too, is *its own time comprehended in thoughts*. It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap his own time . . . (PR Preface, pp. 21–22)

It is precisely the reason Hegel seems to give here, explaining why the task of philosophy is only to comprehend *what is*, that still scandalizes many of his readers. Philosophy is charged with comprehending what is, because what is *is rational*. Put in the terms of practical philosophy, Hegel seems to be saying that *what is* is as it *ought to be*. Ethical life is lived as it ought to be lived. A scandal has been raging, for close to two centuries, around the following unhappy couplet, which seems to make precisely this claim:

What is rational is actual;  
and what is actual is rational. (PR Preface, p. 20)

Here lies the origin of the still often-rehearsed accusation that Hegel was a hired ideologue for Friedrich Wilhelm III and that his philosophy hallows that which empirically exists, and is thus the quintessence of “conservatism, quietism and optimism.”<sup>1</sup> These are the first defining lines of the familiar portrait of Hegel as the philosopher who proclaimed that history has come to its end and that his own time was the best and the last. Though these allegations were never unopposed and have been rejected by virtually all students of Hegel in the last decades, they nevertheless continue to shape the way Hegel is perceived. What are we to make of the notorious couplet?

### *The Actual Is Rational*

It was perhaps inevitable that following the publication of the *Philosophy of Right* in 1821 the Preface, and especially the claim that the rational is actual and the actual is rational, would overshadow the content of the work and its relation to the political state of affairs in Prussia and Europe more generally. Possibly, this was in part Hegel’s immediate intention. For the Preface was written and the book revised after the reactionary turn in 1819 and the Carlsbad decrees on censorship.<sup>2</sup> The book first saw

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1. The phrase is Haym’s and is taken from his 1857 *Hegel und seine Zeit*, quoted in Ottmann, H., *Individuum und Gemeinschaft bei Hegel; Band I: Hegel im Spiegel der Interpretationen* (Berlin: Walter de Gruyter, 1977), 81.

2. See, Ilting, K.-H., “Die Karlsbader Beschlüsse (1819) Verzögern die Publikation der Rechtsphilosophie,” in VPR18/19 43–69.

light shortly after the end of the period of reform that began with the defeat of Prussia at the hands of Napoleon in 1808.

But closer reading of the Preface and scrutiny of the facts Hegel describes in the body of the book has led the great majority of his readers to reject the allegation that he is a champion of the Prussian state of his day. When Hegel says in the Preface that “each individual is in any case a *child of his time*; thus philosophy, too, is *its own time comprehended in thoughts*” (PR Preface, p. 21), he is clearly speaking of the limitation of the present viewpoint of philosophy. Moreover, many of the institutions Hegel attributes to the state in the *Philosophy of Right* did not exist in Prussia, as Gans noted already in his preface to the 1833 edition of the work.<sup>3</sup> Indeed, a significant number of them were to be instituted by the reformers who lost power in 1819 and were staunchly opposed by their reactionary successors. Moreover, the *Philosophy of Right* describes at length and starkly such evils of the modern world as poverty. By no account does Hegel ever suggest that poverty is rational. Quite the contrary.

Indeed, Hegel himself attempted to respond directly to the most unsettling misreading of his claim that the actual is rational and the rational is actual as early as 1827, in the second edition of the *Encyclopaedia Logic*. In the third edition (1830) Hegel formulates the first part of his response as follows:

... quite generally, what is there is partly *appearance* [*Erscheinung*] and only partly actuality [*Wirklichkeit*]. In common life people may happen to call every brain wave, error, evil, and suchlike “actual,” as well as every existence, however wilted and transient it may be. But even for our ordinary feeling, a contingent existence does not deserve to be called something-actual in the emphatic sense of the word; what contingently exists has no greater value than that which *something-possible*\* has; it has an existence which (although it is) can just as well *not be*.\* (EL §6R)

Hegel then states unequivocally that actuality in his “emphatic sense of the word” is not just anything that happens to exist in the world. Philosophy is concerned with what exists necessarily. Quite clearly, only part of the empirically existing ethical world—the actual in this emphatic sense—is

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3. See, “Gans’s Preface to Hegel’s *Philosophy of Right* (1833),” in Hoffmeister, M. H., *Eduard Gans and the Hegelian Philosophy of Law* (Dordrecht: Kluwer Academic Publishers, 1995), 89.

rational. Hegel then sees evil in the world he inhabits and offers no sweeping apology on its behalf.

Despite his very clear words Hegel is still sometimes charged with offering a blanket apology for any status quo. But this accusation, we just saw, is unfounded. For Hegel's explanation makes perfectly plain that he is not subscribing to the indefensible form of ethical relativism for which the rational is always wholly present. If we learn nothing else from this unfounded accusation, we learn that ethical thinking bears the responsibility of acknowledging—in some way—this very fact. It is worth keeping in mind the question of how the interpretations of Hegel's dictum acknowledge it.

### *The Rational Is Actual*

The claim that the actual is rational *defines* actuality as the rational part of existence. The more baffling half of Hegel's dictum is then the claim that the rational is actual. What can Hegel mean by claiming that the rational is actual, if he is not claiming that the rational in its entirety exists in the world? In what sense is the rational actual?

*The actuality of what is rational* sets itself at once both against the notion that ideas and ideals are nothing but chimeras, and that philosophy is a system of such pure phantasms, and conversely against the notion that ideas and ideals are something far too excellent to have actuality, or equally something too impotent to achieve actuality.\* However, the severing of actuality from the idea is particularly dear to the understanding, which regards its dreams (i.e., its abstractions) as something genuine, and is puffed up about the "ought" that it likes to prescribe, especially in the political field—as if the world had had to wait for it, in order to learn how it ought to be, but is not. If the world were the way it ought to be, what then would become of the pedantic wisdom of the understanding's "ought to be"? When the understanding turns against trivial, external and perishable objects, institutions, situations, etc., with its "ought"—ob-jects that may have a great relative importance for a certain time, and for particular circles—it may very well be in the right; and in such cases it may find much that does not correspond to correct universal determinations. Who is not smart enough to be able to see around him quite a lot that is not, in fact, how it ought to be? But this smartness is wrong when it has the illusion that, in its dealings with ob-jects of this kind and with their "ought," it is operating within the [true] concerns of philosophical science. This science deals only with the Idea—which is not so impotent that it merely ought to be, and is not actual—and further with an actuality of

which those ob-jects, institutions, and situations are only the superficial outer rind. (EL §6R)

What Hegel is denying in this long passage is quite clear. The task of philosophy is neither to formulate abstract ideas that do not and cannot shape the ethical world nor primarily to make prescriptions within the political sphere. What remains far from clear is in just what sense are the ideas of philosophy that do not, at present, shape the ethical world actual. In what sense is the part of the rational that does not at present shape existence actual? These ideas have actuality neither in the flight of theory nor as political criticism nor yet as instituted and articulated practice. Where between heaven and earth is philosophy? It is highly important to note that this question is answered by Hegel neither in the Preface to the *Philosophy of Right* nor in the *Encyclopaedia*.

## 2. The Actuality of the Rational: The Interpretative and Critical Debate

It is useful, at this juncture, to draw the broad outline of the exegeses given to Hegel's assertion that the rational is actual by the interpretative tradition. The dictum has been read in a variety of ways and this divergence is compounded by the different political responses elicited from Hegel's interpreters. This section will briefly characterize both dimensions. We will return to the latter in the concluding chapter of the book where the question of the performative force of Hegel's philosophy will be treated in detail. This section will emphasize the general agreement between the different interpretative approaches regarding the dictum of the actuality of the rational.

### *The Rational Becomes Actual*

The divergent interpretations of Hegel's claim that the rational is actual all agree that it contains, in a nutshell, his view of history and its relation to reason. As is well known, Hegel claims that spirit or reason develops in history. The development of practical reason is a process in which successive forms of thought take shape in the world as shared forms of life. The end of this activity of mankind is freedom. It follows then that the development of practical reason appears as political history, or, as Hegel calls

it, world history, for Hegel thinks of freedom as embodied in the state. World history thus “represents the development of the spirit’s consciousness of its own freedom and of the consequent actualization\* [*Verwirklichung*] of this freedom” (LPH 138).<sup>4</sup> It is in history that reason comes to shape social and political reality: The rational *becomes* actual.

That Hegel should be read as asserting that in history the rational becomes actual finds confirmation by underscoring his claim in the *Encyclopaedia* that the ideas and ideals of philosophy or reason “is not so impotent that it merely ought to be, and is not actual” (EL §6R). In the Preface, in the paragraph following the dictum, he says explicitly that “the rational, which is synonymous with the Idea, becomes actual by entering into external existence” (PR, Preface 20). Indeed, the dictum itself is formulated differently in Hegel’s early lectures on the philosophy of right. In the 1817–1818 lectures he says: “What is rational must happen [*mus geschehen*]” (VPR17/19 157), and in the 1819–1820 lectures he says: “What is rational, becomes actual, and the actual becomes rational” (VPR19/20 51).<sup>5</sup>

For different interpretations the ultimate significance of this view of history lies in different parts of Hegel’s philosophy. It either lies in Hegel’s political philosophy itself or is given in the eschatological terms of Hegel’s philosophy of religion or in the ontological terms of Hegel’s logic. These differences, though, will not concern us, for the simple reason that all these interpretations recognize the political or world-historical significance of Hegel’s dictum.<sup>6</sup>

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4. Cf., IUH; Herder, J. G., *Outlines of a Philosophy of the History of Man*, trans. T. Churchill (New York: Bergman Publishers, 1966), Bk. 15, Ch. 1.

5. Note that Hegel says here that “the actual becomes rational.” This is to give ‘actual’ a different sense than in the *Encyclopaedia*, synonymous with what he refers to there as ‘what is there’ and ‘existence’ (or ‘every existence’). It includes ‘contingent existence’ or ‘appearance.’ Recall he says in the *Encyclopaedia*: “what is there is partly appearance [*Erscheinung*] and only partly actuality [*Wirklichkeit*]” (EL §6R).

6. For an example of the historical reading see, Henrich, D., “Einleitung des Herausgebers: Vernunft in Verwirklichung,” in VPR19/20, pp. 13–17; Jackson, M. W., “Hegel: The Real and the Rational,” in Stewart, *The Hegel Myths and Legends*, 25. For examples of the eschatological reading see, Fackenheim, E. L., “On the Actuality of the Rational and the Rationality of the Actual,” in Stewart, *The Hegel Myths and Legends*; Peperzak, A. T., *Philosophy and Politics: A Commentary on the Preface to Hegel’s Philosophy of Right* (Dordrecht: Martinus Nijhoff

It is then widely agreed that Hegel holds that in the history of political forms of consciousness and life the rational becomes actual. This is a claim with which I wholly agree. The point on which my interpretation will diverge from the extant interpretations is in claiming that there is a further question, unnoticed by them, and that this question is of great exegetical importance and philosophical interest. Hegel's concept of a founding act of ethical life addresses the question of *how* the rational becomes actual.

*The Hegelian Right, Left, and Center*

In the Preface to the *Philosophy of Right*, philosophy seems to be charged only with the task of comprehending what is. Practical philosophy is charged with revealing the rationality of what now exists in the political sphere, which may indeed, Hegel says in the *Encyclopaedia*, be only "of great relative importance for a certain time, and for particular circles" (EL §6R). This raises a question of historical fact, which is of great significance for the interpretation of Hegel's dictum: Is the rational, in Hegel's present, fully actual? The interpretative stances occupied by what were traditionally the Hegelian right, left and center can be characterized schematically by answering two questions: First, what answer is Hegel taken to give to the question of whether the rational has become fully actual? Second, is his answer taken to be right? Very roughly, what were traditionally the Hegelian right and left answer the first question affirmatively. The right is generally in agreement, politically speaking, with this answer, whereas the left adamantly rejects it. The center takes Hegel to say that the rational is very nearly actual and is in political accord with his answer.

The interpretative stance occupied by what was historically the Hegelian right takes Hegel to hold that the rational has already become actual. Indeed, its emphasis on the rationality of the present explains the

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Publishers, 1987), 92–103. For a reading in the terms of Hegel's ontology or logic see, Yovel, Y., "Hegel's Dictum That the Rational Is Actual and the Actual Is Rational: Its Ontological Content and Its Function in Discourse," in Stewart, *The Hegel Myths and Legends*. For an authoritative account of how Hegel's understanding of history is connected to his thinking of world-history, religion and logic see, Jaeschke, W., "World History and the History of Absolute Spirit," in Perkins, R. L., *History and System: Hegel's Philosophy of History* (Albany: State University of New York Press, 1984).

politically accommodationist stance of the right. At the rightmost end of the spectrum of interpretations we find the attitude of which Marx says: "German philosophy is the ideal prolongation of German history. If, then, we criticize, the *oeuvres posthumes* of our ideal history, philosophy, instead of the *oeuvres incomplètes* of our actual history, our criticism centers on the very questions of which the present age says: that is the question."<sup>7</sup>

Against this stand, the more reformist Hegelian center argues that Hegel's philosophical analyses reveal many examples of where the political present falls short of what reason dictates and that this accounts for his clear advocacy of certain political reforms. They note that in the *Encyclopaedia* passage Hegel says that we are all smart enough to see around us "quite a lot that is not, in fact, how it ought to be" and that when we deal with such issues—and this is important to underscore—they carry with them "their 'ought'" (EL §6R). Philosophical analysis and description carry with them a qualified, reformatory prescription, which, however, is neither radical nor one of "the [true] concerns of philosophical science" (EL §6R). This criticism is grounded in ethical principles already made actual and so visible in the political present. It does not, therefore, violate Hegel's injunction against merely abstract prescriptions. Unlike the right, the center does not take Hegel to claim that the rational has already become actual. It holds, rather, that the rational has very nearly become actual. Indeed, Hegel's explication of the dictum in the *Encyclopaedia* reveals—we very clearly saw—that he does not hold that the rational *in its entirety* has already become actual.

It is important to point out here another interpretative possibility. We can think of it usefully as occupying the ground between what was traditionally the Hegelian center and the Hegelian left. This approach is prominent in a number of the best recent comprehensive monographs on Hegel's practical philosophy and in much of the secondary literature on Hegel's political philosophy in the last decades. According to this line of interpretation, Hegel holds that the rational becomes actual. These interpreters acknowledge that—for Hegel—the claim is grounded in his philosophy of world-history, religion or logic. But they do not defend this ground, nor do they accept its implications, and some explicitly reject it and its implications. This agnostic

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7. Marx, K., "A Contribution to the Critique of Hegel's *Philosophy of Right*: Introduction," in *Critique of Hegel's 'Philosophy of Right'*, ed. J. O'Malley, trans. A. Jolin, J. O'Malley (Cambridge: Cambridge University Press, 1970), 135.



path allows them to gain the benefit of Hegel's practical philosophy—in particular, his exposition of the rationality of the political present—without commitment either to what is seen as its less plausible ground or to the claim that the rational has become, or, has nearly become, actual.<sup>8</sup>

This brings us to the extremely important tradition of the Hegelian left. The left takes Hegel to state that the historical process through which the rational becomes actual is at its end. Nevertheless, it recognizes that Hegel's political philosophy has the potential to inspire great political revolutions. The political collapse which began with the Revolution of 1848, says Engels, like the French Revolution before it, has its origin in philosophy. Engels credits Heine for writing already in 1833 that Hegel's claim that the rational is actual and the actual is rational could also be read very differently.<sup>9</sup> In the passage to which Engels is alluding Heine says:

Once when I was annoyed over the saying: "All that is, is rational [*Alles, was ist, ist vernünftig*]," he smiled strangely and remarked: "It could also mean: 'All that is rational, must be [*Alles, was vernünftig ist, muss seyn*].'" He looked around hastily, but quickly reassured himself, because only Heinrich Beer had heard the saying.<sup>10</sup>

Indeed, both Engels and Marx think that offering an analysis true to political reality and thus laying bare the ills of the present is the ultimate, if unwitting, achievement of Hegel's political philosophy. Precisely for this reason Hegel's philosophy opens towards the future.

The criticism of the German philosophy of right and of the state, which was given its most logical, profound and complete expression by Hegel, is at once the

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8. Without by any means claiming that the list is comprehensive the following, I think, are examples of this approach: Wood, *Hegel's Ethical Thought*; Hardimon, M. O., *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994); Patten, *Hegel's Idea of Freedom*; Neuhouser, F., *Foundations of Hegel's Social Theory: Actualizing Freedom* (Cambridge: Harvard University Press, 2000). I will suggest in Chapter 5 that this is also the attitude, in the last five decades, of most interpreters of the question of Hegel's view of war.

9. Engels, *Ludwig Feuerbach and the Outcome of Classical German Philosophy*, 9.

10. Heine, H., *Heinrich Heine Historisch-kritische Gesamtausgabe der Werke [Düsseldorfer Ausg.]*, Band 15, ed. M. Windfuhr (Hamburg: Hoffmann und Campe, 1971), 170. Elsewhere, Heine speaks of Hegel's "fear of being understood" and explains in this manner his association with Beer. Heine, *Heinrich Heine Werke*, Band 15, 187.

critical analysis of the modern state and of the reality connected with it, and the definitive negation of all the past forms of consciousness in German jurisprudence and politics, whose most distinguished and most general expression, raised to the level of a science, is precisely the speculative philosophy of right.<sup>11</sup>

The Hegelian left proclaims, against Hegel, that the rational does not yet exist—thus *the rational must be made actual*.

Marx is so often remembered for proclaiming: “The philosophers have only *interpreted* the world, in various ways; the point, however, is to *change* it.”<sup>12</sup> Marx holds, however, that when philosophy steps down from heaven to change the world it becomes worldly and acquires the faults it fights. In its military garb, it is philosophy no longer.<sup>13</sup> It is, rather, philosophy stood on its material feet and given arms to effect radical change. For the central tenet of Marx’s historical materialism is, of course, that material forces and not ideas determine the progress of history. Thus, the Hegelian left conceives of itself as advocating a decisive move beyond Hegel’s philosophy, and philosophy more generally. Indeed, Marx proclaims that “you cannot transcend philosophy without actualizing [*verwirklichen*] it.”<sup>14</sup>

### 3. The Actuality of the Rational: The Lessons of the Critical Debate

We saw that Hegel clearly distinguishes the actual from what he calls in the *Encyclopaedia* passage ‘contingent existence’ or ‘appearance.’ He says that “what is there is partly *appearance* [*Erscheinung*] and only partly actuality [*Wirklichkeit*]” (EL §6R). He is not then offering an indiscriminate justification of any moral state of affairs, however vile. Rather, for Hegel,

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11. Marx, “Contribution to the Critique of Hegel’s *Philosophy of Right*,” 136–37.

12. Marx, K., “Theses on Feuerbach,” in *The Marx-Engels Reader*, ed. R. C. Tucker (New York: W. W. Norton, 1978), 145.

13. For a clear and very early formulation of this idea see, Marx, K., “To Make the World Philosophical,” in *The Marx-Engels Reader*, 10.

14. Marx, “Contribution to the Critique of Hegel’s *Philosophy of Right*,” 136. For a recent reading of the dictum of the rational and the actual which aims at the same effect see, Sayers, S., “The Actual and the Rational,” in *Hegel and Modern Philosophy*, ed. D. Lamb (London: Croom Helm, 1987).

history is a process through which existence becomes progressively rational. Indeed, we saw above that he did, in the lectures that precede the publication of the *Philosophy of Right*, express the claim that the rational is actual differently: “What is rational must happen” (VPR17/19 157); and, “What is rational, becomes actual” (VPR19/20 51).

It bears emphasizing again that this understanding is common to the entire spectrum of analyses, right, center and left. Where an interpretation is located on this spectrum depends on the answer given to the question of how close the historical present is taken to be to the end of the process through which the rational becomes actual and on the political stance taken in response to this judgment.

What then grounds the belief that Hegel views history as essentially over? Are there grounds in Hegel’s philosophy that can justify this claim? The answer given by Engels is still highly illuminating. There is, Engels says, a fundamental tension in Hegel’s philosophy. On the one hand, history is the progressive actualization of reason. And this process has no ideal end, for “a perfect society, a perfect ‘state,’ are things which can only exist in the imagination . . . all successive historical situations are only transitory stages in the endless course of development of human society from the lower to the higher.”<sup>15</sup> It is this understanding of history that underwrites the revolutionary potential the Hegelian left finds in his philosophy. And it underwrites the revolutionary reading of Hegel’s dictum:

All that is actual [*wirklich*] in the sphere of human history becomes irrational in the process of time, is therefore irrational already according to its determination [*Bestimmung*], is tainted beforehand with irrationality; and everything which is rational in the minds of men becomes, according to its determination, actual, however much it may contradict present, apparent actuality. In accordance with all the rules of the Hegelian method of thought, the proposition of the rationality of everything which is actual resolves itself into the other proposition: All that exists deserves to perish.\*<sup>16</sup>

But, adds Engels, working against this conception of history and its implications is a second idea, and so Hegel never in fact stakes the conception above.

And this, indeed, for the simple reason that he was compelled to make a system, and, in accordance with all the traditional requirements, a system of philosophy

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15. Engels, *Ludwig Feuerbach and the Outcome of Classical German Philosophy*, II–12.

16. *Ibid.*, II.

must conclude with some sort of absolute truth. Therefore, however much Hegel, especially in his *Logic*, emphasized that this eternal truth is nothing but the logical, *i.e.*, the historical, process itself, he nevertheless finds himself compelled to make an end to this process, just because he has to bring his system to a termination at some point or other. In the *Logic* he can make this end a beginning again, since here the point of conclusion, the absolute idea—which is only absolute in so far as he has absolutely nothing to say about it—“alienates,” that is, transforms itself into nature and comes to itself again later in the mind, *i.e.*, in thought and in history. But at the end of the whole philosophy a similar return to the beginning is possible only in one way, namely, by putting as the end of all history the arrival of mankind at the cognition of this self-same absolute idea, and by explaining that this cognition of the absolute idea is reached in Hegelian philosophy. In this way, however, the whole dogmatic content of the Hegelian system is declared to be absolute truth, in contradiction to his dialectical method, which dissolves all dogmatism. Thus the revolutionary side becomes smothered beneath the overgrowth of the conservative side.<sup>17</sup>

It is very important to emphasize, as Engels does here, that the very existence of Hegel's *Logic* and its culmination in the absolute is not the reason why the system is taken to end with “the end of all history.” As Engels stresses, the *Logic* ends with the perfectly abstract idea of the absolute. This is not the end of history. He adds that the unfolding of the idea is indeed actual in the development of thought and history. What Engels means by saying that Hegelian philosophy does finally posit the “end of all history” is made clear in the same passage: The end of history is posited in Hegel's *Philosophy of Right*, where we find that “the absolute idea is to be realized in that monarchy based on estates which Friedrich Wilhelm\* III so persistently but vainly promised his subjects.”<sup>18</sup>

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17. *Ibid.*, 13.

18. *Ibid.* The most often-told version of the myth that Hegel proclaims the end of history originated in Koyré and was made famous by Kojève and then, again, by Fukuyama. For an incisive account of the rather comical evolution of the myth see, Grier, P. T., “The End of History and the Return of History,” in Stewart, *The Hegel Myths and Legends*, 183–91.

For the claims that: (1) The claim that history has come to an end cannot be derived from the *Logic* and Hegel's conception of absolute knowledge alone; and/or (2) The claim that history has come to an end is a claim about Hegel's political philosophy and, in particular, about his conception of the modern state in the *Philosophy of Right*; see, Grier, “The End of History and the Return of History,” in Stewart, *The Hegel Myths and Legends*, 192–93; Harris, H. S., “The End of

Whether or not we agree with Engels that for Hegel history is at its end hangs on whether we agree that the *Philosophy of Right* and, more generally, Hegel's philosophy of history and his analysis of his own age claim to describe the end of history. It is of decisive importance to see that comprehending Hegel's practical philosophy is not primarily a matter of how we read the framing discussion of the claim that the rational is actual. It is primarily a matter, first, of how we understand his idea of a philosophy of history and, second, of how we read his analysis of the historical-political times.

Taking the latter point first, if the rational is fully actual this must be reflected in Hegel's description and analysis of his present. If he thinks history is over this should be evident in his political philosophy and his philosophy of political history, or world-history. In deciding this question we must beware of reading Hegel's analysis of his historical-political present in light of the interpretation *presupposed* to be true of the dictum of the actuality of the rational. Rather, we should decide the latter on the basis of the former. In the following chapters, I will present much evidence that Hegel does not view his own time as the end of history but rather as an age that still awaits the actualization of reason.

Does then the very idea of the philosophy of history commit Hegel to holding that history has come to its end? Hegel's view of history has, of course, received a great deal of attention by philosophers and has exerted the greatest influence on the wider intellectual sphere. We find two opposing perceptions of Hegel's philosophy of history. On one account, Hegel brought philosophy down to earth and charged it with giving a philosophical account of the empirical data of history. Commended or condemned, Hegel is taken to have planted philosophy squarely in the ground of the present and thereby to have renounced its claim to search for eternal truth. Most extremely and least plausibly, Hegel is the culprit behind all historical relativism in philosophy. Of a piece with this view is the charge that Hegel's political philosophy reveals his Prussian jingoism.

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History in Hegel," in Stewart, *The Hegel Myths and Legends*, 227–28; Houlgate, S., "World History as the Progress of Consciousness: An Interpretation of Hegel's Philosophy of History," *The Owl of Minerva* 22 (1990): 77; Bubner, R., "Hegel and the End of History," in *Bulletin of the Hegel Society of Great Britain* 23–24 (1991): 16, 21–23.

Much more fair-minded is the view that making history a subject of philosophical thought marks true progress in the history of ideas. This is Marx's view. Nevertheless, precisely because of its achievement in laying bare the ills of the present, Hegel's philosophy has a future in Marx's own philosophy.<sup>19</sup> On the other account, Hegel is presented as imposing the eternal truth of philosophy on the empirical data of history. The most extreme and again the least plausible criticism is that he fails completely to fulfill his promise to make philosophy historical. He bends historical reality to fit a ready-made philosophical scheme. This, for example, is the view of Croce: "Hegel affirms that this philosophic historiography should have its own method, different from the method of ordinary historiography, and he claims for it the character of an *a priori* . . . it is a *history already complete*, which needs only to be clothed in names and dates."<sup>20</sup>

Yet reading what Hegel says about the methodology of the philosophy of history reveals that he is well aware of these pitfalls. Hegel applauds the involvement of historians like Herodotus and Thucydides in the very historical events they describe. The writer of what Hegel calls "original history [*ursprüngliche Geschichte*]" indeed "will have to belong to the class of *statesmen, generals*, and the like, whose aims, intentions, and deeds are part of the political world he describes" (LPH 13). But the limitation of this type of history is that it is unreflective and cannot be comprehensive in scope (LPH 13). He also praises what he calls "reflective history" for aspiring to universality and for making the past as a whole present in spirit (LPH 16). But Hegel notes explicitly that this endeavor fails when it imposes a particular empirical present onto the past (LPH 22). Hegel then is aware of the limitations of any present viewpoint. But he is also well aware of the opposite danger. He himself formulates the objection to philosophy's "so-called *a priori* method and

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19. Marx is sometimes thought to have charged Hegel with forcing an *a priori* philosophical system on empirical history. He is therefore taken as representative of the second common perception of Hegel's philosophy of history. But this is a mistake. Marx holds Hegel's philosophy to be a true historical achievement. The criticism is directed at many of Hegel's self-proclaimed heirs.

20. Croce, B., *What Is Living and What Is Dead in the Philosophy of Hegel?* trans. D. Ainslie (New York: Garland Publishing, 1984), 139–40.

to its alleged attempts to foist ideas on to the data of history" (LPH 139; see also, PM §549).<sup>21</sup>

Now, it might be thought that Hegel's philosophy is written from the vantage point of the end of history and in this way escapes the limitation of 'reflective history,' without imposing an *a priori* conception of history upon the empirical facts. I have already said that we will gather much evidence that Hegel does not view his day as the end of history. More fundamentally, precisely because the rational can only be grasped in its present actuality, the claim that reason is fully actual is one Hegel cannot coherently assert. There is no extra-historical vantage point from which he can make this claim.

The crucial question, I am claiming, can be formulated in the following terms. Can a history of the development of reason, written in the present, have freedom as its future end? The question is whether there can be a comprehensive account of free human action, written in empirical terms, when the last stage of human history lies in the future. How can philosophy make not only the past but also this future part of history?

As we saw in the first part of this book, the question of the possibility of the philosophy of history is central to an assessment of Kant's historical writings and of Hegel's response to them. The problem, formulated in the terms Kant employs, is that a natural process can not "transform the rude natural predisposition to make moral distinctions into determinate practical principles and hence transform a *pathologically* compelled agreement to form a society finally into a *moral* whole" (IUH 21). A natural process can only drive the first half of this development, from the rude state of nature to the midway point of a cosmopolitan society, which has achieved a prudential peace (IUH 26). We saw in the first part of the book that history, for Kant, consists of two phases, the 'epoch of nature' and the 'epoch of freedom.' But Kant's notion of the philosophy of history seems

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21. See, Beiser, F. C., "Hegel's Historicism," in *Cambridge Companion to Hegel*, ed. F. C. Beiser (Cambridge: Cambridge University Press, 1993), 282–83. According to Ritter, it is precisely Hegel's conviction that the French Revolution is the founding moment of the modern world that exposes him to this dual misunderstanding. Ritter, J., *Hegel and the French Revolution*, trans. R. D. Winfield (Cambridge: Massachusetts Institute of Technology Press, 1982), 62.

to be limited to natural history.<sup>22</sup> The ‘epoch of freedom’ cannot simply be described empirically, because it lies in a future which is not governed solely by predictable natural forces but also by the demands of moral reason.<sup>23</sup> For Hegel, these demands are of necessity utterly abstract. Can philosophy grasp the historical present without surrendering the eternal?

Hegel’s clearly affirmative but hermetic answer is that “whatever is true exists eternally in and for itself—not yesterday or tomorrow, but entirely in the present, ‘now,’ in the sense of an absolute present” (LPH 150).<sup>24</sup> As Hegel puts it in the Preface to the *Philosophy of Right*: “For what matters is to recognize in the semblance of the temporal and transient the substance which is immanent and the eternal which is present” (PR Preface, p. 20). These claims are read as declaring that history has come to its end. The rational is *now* fully actual. But Hegel should be read differently. I will claim in the following chapters that Hegel’s conception of the philosophy of history and his discussion of the actuality of the rational should be read as posing a question. To say with Schiller’s *Resignation*: “world history is the world’s court of judgment” (see, PR §340; see also PR §259A) is to pose the question of how world history becomes rational.<sup>25</sup>

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22. See, Allison, “The Gulf between Nature and Freedom and Nature’s Guarantee of Perpetual Peace,” 42–43.

23. See, Wood, “Unsociable Sociability: The Anthropological Basis of Kantian Ethics,” 343.

24. “But thought (true and necessary thought, the only kind which is our business here) is incapable of any alteration; it is not past and gone; it is *now*.” (LHP23/28 57); see also, H-Werke 18 23–24, note 10.

25. Hegel’s famous quote from Schiller is usually taken to say that reason will necessarily become actual in history. For example: “Weltgeschichte als Weltgericht. Its fundamental thesis is that in every struggle—and it conceives all history as a history of struggles—the winner is he who deserves to win, because he has broken through the bounds of thought that limit his contemporaries and called into play the more potent forces of a new and superior phase in the world’s history.” Collingwood, R. G., “Lectures on the Philosophy of History (1926),” in *The Idea of History*, ed. J. van der Dussen (Oxford: Oxford University Press, 1994), 401. What is astounding about this line—in Schiller’s *Resignation* (1784)—is that it poses the human predicament underlying the problem of the philosophy of history. It presents a dichotomy between life in this world, on the one hand, and eternal truth and a renunciation of this world, on the other hand. It poses the



This is also the question we are to read in the dictum of the actuality of the rational. It is of the greatest importance to the central task of the book to emphasize the reason why the rational must not be regarded as an abstract idea that has not and cannot attain actuality, the idea that “philosophy is a system of such pure phantasms” (EL §6R). It is the task of philosophy to “comprehend *what is*”—what now is, in the present—precisely because the rational can only be comprehended in what is—in other words, in its present actuality. The rational attains significance only in its concrete articulation. And so it is only when the rational comes to shape existence that it can be recognized. There is no vantage point from which to claim that history is over. As a matter of philosophical method, every age must think of itself as standing at the end of history; this is the deep Hegelian insight behind the readings that explore his practical philosophy without staking a claim in the question of the rational and the actual.<sup>26</sup> It is also the kernel of truth in the unfounded charges that Hegel’s philosophy is an apology for the present. More concretely, it is only when the moral ought comes to shape a real form of ethical life that it can be recognized. Conversely, the criticism of the understanding’s abstraction and the “ought” that it likes to prescribe” is an injunction against abstract formalism in morality. This, of course, is precisely Hegel’s critique of the emptiness of Kantian morality. Hegel’s dictum should not be read as prom-

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choice between action and knowledge. Eternal truth and a renunciation of this world are called, in the poem, ‘hope’ and life in this world—‘pleasure.’

“Mit gleicher Liebe lieb’ ich meine Kinder  
 Rief unsichtbar ein Genius.  
 Zwei Blumen, rief er—hört es, Menschenkinder—  
 Zwei Blumen blühen für den weisen Finder,  
 Sie heissen *Hoffnung* und *Genuß*.”

Wer dieser Blumen Eine brach, begehre  
 Die andre Schwester nicht.  
 Genieße wer nicht glauben kann. Die Lehre  
 Ist ewig wie die Welt. Wer glauben kann, entbehre.  
 Die Weltgeschichte ist das Weltgericht.”

Schiller, F., *Gedichte*, ed. N. Oellers (Stuttgart: Philip Reclam jun, 1999), 199.

26. For this point see, Grier, “The End of History and the Return of History,” in Stewart, *The Hegel Myths and Legends*, 192.

ising the final description of the rational in its actuality, but as posing a question. The fact that the rational can only be recognized in its present actuality poses the imperative question of the rational that is not yet actual, the question of the future of reason. It poses, I claim, the question of *how* the rational becomes actual.

The principal claim of the first part of the book was that Hegel's account of modern ethical life as the transformation of Kantian morality remains essentially incomplete. For it does not provide us with an account of how the moral law comes to shape ethical life. But this—we cannot now fail to see—is precisely the question of how the rational becomes actual. And the question unasked by those who read Hegel as saying no more than that the rational becomes actual and that history is this process of actualization is: How? How does the rational become actual? Merely to assert it does is itself an abstraction. This—significantly—might explain why Hegel chooses the paradoxical formulation “What is rational is actual” (PR Preface, p. 20) over the earlier formulations of the lectures: “What is rational must happen” (VPR17/19 157); “What is rational, becomes actual” (VPR19/20 51). It is my claim that *it is to the question of how the rational becomes actual that Hegel's concept of the founding act of ethical life responds.*

The interpretations we examined above take Hegel's dictum to assert that the rational becomes actual; furthermore, they take Hegel to hold that as a matter of historical fact the rational has already become actual, or very nearly become actual. In this way they explain Hegel's claim that the rational *is* actual. I do not dispute the claim that for Hegel history reveals the process through which reason becomes actual. But I do disagree with the claim that he thinks this process is essentially over. This point will be dealt with at length in the following chapters. However, it is well worth saying here again that neither in the Preface to the *Philosophy of Right* nor in the *Encyclopaedia* does Hegel make this claim. Indeed, the tenor of these passages is very different. He clearly speaks against the empty “ought” that philosophy is tempted to direct at the existing world; he speaks of “the semblance of the temporal and transient” (PR Preface, p. 20); and he asks, “Who is not smart enough to be able to see around him quite a lot that is not, in fact, how it ought to be?” (EL §6R). This is a far cry from claiming that reason is fully or all but fully actual in the present. In the loci where it would be most natural to make this claim Hegel does not say that reason has nearly become actual in his time. Indeed, he implies the opposite. This fact should give us pause.

It is important to point out that even if Hegel is taken to hold that the rational is actual in his time, this does not imply that he has nothing more to say on this matter. Simply asserting that the rational becomes actual is not a satisfactory treatment of the matter. For it does not address the further question of how the rational becomes actual. This question is the central concern of the book. In the following chapters I will argue that Hegel does contend with this historically imperative question.

Where do we pursue this question in Hegel's work? It is the discussion of war, I will argue, that constitutes the ultimate engagement with the question of how the rational becomes actual. A great number of the attempts to address the question of the rationality of the actual have focused on the discussion of war, international relations and world history, and for very good reasons. Hegel's scandalous claim that there is a necessary ethical moment of war is notorious. Notorious too is the virulent accusation that Hegel's hallowing of the present is tantamount, on this matter, to the horrific prescription of war as good in itself. But Hegel scholars in the last five decades almost unanimously hold that Hegel's discussion of war should be read as descriptive; it presents us with theoretical knowledge: War is a necessary fact of international relations; the necessary ethical moment of war is acting for the sake of the higher ethical ends of a rational state. Are we then forever fated to wage wars? Are we simply to accept the fact of war? Are we to accept that war is and will remain part of our political life, for the rational is already actual? It is a very telling fact that the interpreters most sympathetic to Hegel's thought all rebel against this conclusion. Clearly, neither the former nor the latter reading is acceptable. The discussion of war is the clearest concrete example of just how problematic Hegel's claim that the rational is actual is for its extant interpretations.

But the question of war and international relations in Hegel's philosophy is not merely an evident example of an existing evil, a political fact that must not be actual in Hegel's emphatic sense of the word. The subject of war and international relations is one we cannot side-step. For it occupies the final sections of the *Philosophy of Right* and looms over the conclusion of the *Lectures on the Philosophy of History*. These texts present Hegel's view of the highest stage in the development of political forms of

life. They are his last words on how freedom, or the rational, is actualized in the modern state and its citizens. If we cannot see our way through these texts Hegel's political philosophy promises us very little indeed. Certainly, they cannot claim to give an account of how Kantian morality is to be made actual.

## The Question of Hegel's View of War

In his 1945 *The Open Society and Its Enemies* Karl Popper delivered a diatribe against Hegel, which has since become a customary point of departure for discussions of Hegel's views of politics and, specifically, of war. Popper charges Hegel with being a hired ideologue for Friedrich Wilhelm III and with being a central influence on the totalitarian regimes of the twentieth century, left and right. Popper sees in Hegel's philosophy an "identification of the moral with the healthy, of ethics with political hygiene, or of right with might" and, more specifically, a prescription of war as "good in itself."<sup>1</sup> He claims that Hegel's purportedly descriptive stance towards the political sphere is in fact an insidious political stance. These virulent accusations are now all but universally discredited.<sup>2</sup> But they dictate interpretative questions we still face: First, does Hegel's view of war have the force of a political act or does it offer theoretical knowledge only, or, as the question is usually put in the secondary literature, is Hegel's discussion

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1. Popper, K. R., *The Open Society and Its Enemies: The High Tide of Prophecy: Hegel, Marx, and the Aftermath*, Vol. II (London: George Routledge & Sons, 1945), 65.

2. Though Hook rejects Popper's indictment, he holds that the views Hegel expresses determined their political use. Hook, S., "Hegel Rehabilitated?" in *Encounter* 24 (1965). Specifically, his conception of war "remained the most influential political philosophy in Germany up to World War I." Hook, S., "Hegel and His Apologists," *Encounter* 26 (1966): 90.

of war prescriptive or is it descriptive? Second, how can taking a merely descriptive stance towards the evil of war be defended?

Virtually all his interpreters in the last five decades hold that Hegel's writing on war should be taken as descriptive. Hegel, in accord with his general philosophical method, it is held, is giving a philosophical account of the historical-political fact of war. He is concerned with rendering rational that which is. It is very important to note that these interpreters begin their readings with the assumption that war, for Hegel, is rational.<sup>3</sup> In this chapter I will review the extant interpretations of Hegel's view of war and argue against this assumption. In the next chapter I will attempt to answer the question of what, according to Hegel, is the necessary ethical moment of war. To the question of the performative force of Hegel's practical philosophy we will return in the concluding chapter.

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3. See, Bruggencate, H. G., ten "Hegel's Views on War," *Philosophical Quarterly* 1 (1950); Avineri, S., "The Problem of War in Hegel's Thought," *Journal of the History of Ideas* 22 (1961) [reprinted in Stewart, *The Hegel Myths and Legends*; page numbers refer to the reprint]; Avineri, S., *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), Ch. 10; Smith, C. I., "Hegel on War," *Journal of the History of Ideas* 26 (1965); Verene, D. P., "Hegel's Account of War," in *Hegel's Political Philosophy: Problems and Perspectives*, ed. Z. A. Pelczynski (Cambridge: Cambridge University Press, 1971) [reprinted in Stewart, *The Hegel Myths and Legends*; page numbers refer to the reprint]; Fuss, P., "Avineri's Hegel," *Journal of the History of Philosophy* 13 (1975); Harris, E. E., "Hegel's Theory of Sovereignty, International Relations, and War," in *Hegel's Social and Political Thought*, ed. D. P. Verene (Atlantic Highlands: Humanities Press, 1980) [reprinted in Stewart, *The Hegel Myths and Legends*; page numbers refer to the reprint]; Smith, S. B., "Hegel's Views on War, the State and International Relations," *American Political Science Review* 77 (1983); Westphal, M., "Dialectic and Intersubjectivity," *The Owl of Minerva* 16 (1984); Sünkel, W., "Hegel und der Krieg," in *Hegel-Jahrbuch* (1988); Walt, S., "Hegel on War: Another Look," *History of Political Thought* 10 (1989) [reprinted in Stewart, *The Hegel Myths and Legends*; page numbers refer to the reprint]; Peperzak, A., "Hegel Contra Hegel in His Philosophy of Right: The Contradiction of International Politics," *Journal of the History of Philosophy* 32 (1994); Hardimon, *Hegel's Social Philosophy*; Hutchings, K., "Perpetual War/Perpetual Peace: Kant, Hegel and the End of History," *Bulletin of the Hegel Society of Great Britain* 23–24 (1991).

## 1. Hegel on War: The Interpretative and Critical Debate

Hegel, it is suggested, makes two distinct claims about war. The first presents his conception of international relations. The second concerns the relation of individual citizens to their state. It expresses Hegel's idea of the political identity of citizens of modern states.<sup>4</sup>

Hegel's first point about war is an explanation why the possibility of war is a necessary fact of the relations between states. Modern states are independent and self-governing and the treaties they enter can legitimately be broken for reasons which the states alone determine. For states, in principle, cannot accept the judgment of any higher authority without relinquishing their sovereignty. To surrender their sovereignty is to lose their freedom. Therefore, the possibility of violent conflicts between states is a necessary feature of modern international relations. The focal text for this claim is the penultimate section of the *Philosophy of Right*, entitled International Law (PR §§330–40).

Hegel's second point explains what is the ethical moment of war. In times of war citizens sacrifice their material possessions and personal interests—ultimately their lives—and fight for the higher values of their state. Periodical wars are essential for the ethical vitality of a state, because a prolonged peace has the price of social disintegration into the egotism of private interests and exclusively commercial relations.<sup>5</sup> It is only in war that citizens identify not with the values of civil society but with the higher ends of the political whole. The central text upon which this reading is based is the External Sovereignty section of the *Philosophy of Right* (PR §§321–29). Best known is the following passage:

It is a grave miscalculation if the state, when it requires this sacrifice, is simply equated with civil society, and its ultimate end is seen merely as the *security of the life and property* of individuals [*Individuen*]. For this security cannot be achieved by the sacrifice of what is supposed to be *secured*—on the contrary.—The ethical *moment of war* is implicit in what was stated above. For war should not be regarded

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4. The two claims are explicitly distinguished by: Verene, "Hegel's Account of War"; Fuss, "Avineri's Hegel"; Walt, "Hegel on War: Another Look"; Hardimon, *Hegel's Social Philosophy*, 231–36.

5. Cf., CJ §28, 263.

as an absolute evil [*Übel*] and as a purely external contingency whose cause [*Grund*] is therefore itself contingent, whether this cause lies in the passions of rulers of nations [*Völker*], in injustices etc., or in anything else which is not as it should be. Whatever is by nature contingent is subject to contingencies, and this fate is therefore itself a necessity—just as, in all such cases, philosophy and the concept overcome the point of view of mere contingency and recognize it as a *semblance* whose essence is necessity. (PR §324R)

According to the descriptive reading then Hegel explains why wars are a fact of international relations and what is the ethical value of war. But this reading insists that Hegel's stance towards war is descriptive. It offers nothing but a theoretical understanding of war. More pointedly, it offers no way to preserve the higher ethical values of the state without waging war. Is this claim acceptable? Can we reconcile ourselves to a future mutilated by wars? It is a very telling fact—though hardly surprising—that none of the readers most sympathetic to Hegel's position do. Indeed, all the proponents of the descriptive reading end up distancing themselves—in different ways and to different degrees—from the position they attribute to Hegel. They all suggest that war is not the only way for citizens to identify with the values of their state. Though they take Hegel to be engaged in the project of explaining the rationality of the actual—in this instance, war—they all finally pronounce their conviction that war cannot be actual. Hegel fails to insist, as he does in the *Encyclopaedia Logic*, that not everything that exists, not every error and evil, is actual (see, EL §6R).

The question arises why Hegel himself does not see an end to war. The answer, implicit in all proponents of the descriptive interpretation, is formulated very clearly by Peperzak: "The reason . . . probably lies in the factuality of *facts* of which he gives a description. If this is indeed the case, he may be accused of philosophical descriptivism."<sup>6</sup> The view that the performative force of Hegel's political philosophy is descriptive is pronounced indefensible when it comes to the discussion of war. This univocal criticism serves as a clear example of how shouldering no more than the burden of describing and analyzing present political reality is to be caught between actively defending and actively denouncing this reality, the Scylla of political partisanship and the Charybdis of philosophical emptiness. The sentiment which quite clearly moves all the proponents of the descriptive

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6. Peperzak, "Hegel Contra Hegel in His Philosophy of Right," 259.



interpretation is given voice by Merold Westphal; very significantly, he ends his discussion of the matter by paraphrasing Marx: “the time has come for understanding the world to become the guide for changing it.”<sup>7</sup>

## 2. Objections to the Descriptive Reading

We will return to the question of the performative force of Hegel’s views in the concluding chapter. There are, however, internal difficulties with the received, descriptive reading of Hegel’s view of war and they give good reason to examine it again, quite apart from its somber political predictions. The interpretation fails, I argue below, to offer a convincing reading of the claim that there is a necessary ethical moment of war. This will lead us to search for a new interpretation of Hegel’s views of war.

### *Necessary Means and Necessary Effects*

The first and crucial difficulty with the received reading is that it simply does not explicate Hegel’s scandalous claim that there is a necessary ethical moment of war. It locates the ethical moment of war in values taken on in war. It reads Hegel’s claim that there is a necessary ethical moment of war as the claim that certain values are a necessary part of the life of a political community, and these values are actively taken on only in times of war. They also explain why wars are a permanent aspect of international relations. Here again they may be taken as offering an explanation of the necessity of war, the necessity of an empirical fact, which is a consequence of the sovereignty of states. But neither one of these claims nor their conjunction is an explication of the claim that there is a necessary ethical moment of war. For the second claim is that war is a necessary aspect of international

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7. Westphal, “Dialectic and Intersubjectivity,” 53. Verene, Steven Smith and Hutchings hold that Hegel’s philosophy has both a descriptive and a prescriptive element. It begins in reflection on the existing state of affairs; but it can alter our possibilities of action, because it changes the way we understand ourselves and our reality. They do not, however, claim that there are any such conclusions in Hegel’s discussion of war. See, Verene, “Hegel’s Account of War,” 145–47; Smith, “Hegel’s Views on War, the State and International Relations,” 624; Hutchings, “Perpetual War/Perpetual Peace: Kant, Hegel and the End of History.”

relations because modern states are sovereign. This claim explains, at best, why wars occur—as a matter of fact.<sup>8</sup> The first claim is that certain values are necessary for a meaningful social and political existence. War is the means through which these values are embraced by the individual members of a state. War is not itself an ethical moment of human life. It is the values which have the status of a necessary ethical moment. War is, at most, a necessary means by which these values continue to exist.<sup>9</sup> It is no more ethical than earthquakes are, even though giving aid to states struck by natural catastrophe is arguably a necessary aspect of a state ethic. I say that war is “at most” a necessary means, according to this reading, because, as we saw above, its proponents all believe that there are other ways to express these political virtues. This, I think, explains why, quite implausibly, they do not attribute ethical significance to sovereignty. It enables them to defend the values Hegel purportedly champions without accepting his ultimate conclusion, though to separate the ethical content from the non-ethical form of the state is an implausible way to read Hegel. (I will say more about this in the beginning of the next section.) Even if the second claim were taken as an explication of the ethical moment of war, it would attribute ethical significance to sovereignty and not to war. Because wars are a necessary consequence, an effect, of the sovereignty of states, sovereignty and not war would be the necessary ethical value of modern political life.

It is important to see that the failure of the received reading to explain the claim that there is a necessary ethical moment of war is by no means surprising. Short of prescribing war as itself good, an interpretation of Hegel's claim seems to have no alternative but to show in what way war is a justified means to preserving the ethical life of a state or the regrettable effect of so doing. This, though, is the conventional wisdom about war. It is the general idea behind just war thinking, broadly construed. Neither one of these alternatives is tantamount to claiming that war is a necessary

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8. See, Verene, “Hegel's Account of War,” 144–45; Fuss, “Avineri's Hegel,” 241–42; Walt, “Hegel on War: Another Look,” 178–79.

9. Walt distinguishes three different senses of ethical necessity. He claims that Hegel's is a non-instrumental notion of ethical necessity. War is ethically necessary because the duty of sacrifice is the fundamental relation between citizen and state. Walt, “Hegel on War: Another Look,” 169–73. See also, Smith, “Hegel's Views on War, the State and International Relations,” 631.

ethical moment. It is a terrible, necessary means. It is a horrible effect. But it is not itself part of the ethical sphere of values. It is necessary. And it is related, perhaps necessarily, to an ethical end. But the relation itself is not ethical.

*Textual Objections: The Relation of Individual to State*

There are other, independent reasons to try to examine again the received interpretation of Hegel's view of war. There are three important points to consider. First, the received reading assumes that the state embodies higher values than do the ordinary lives of its individual citizens. It is, purportedly, for the sake of these values that citizens are willing to sacrifice their lives. Embracing these values is the necessary ethical moment of war. But this claim is based on the wrong conception of the relations of individual and state. For Hegel, the state is the highest expression of human freedom because he thinks that in it individuals attain true freedom. The state, however, does not embody higher ethical values than the ordinary lives of the individuals who inhabit it. Rather, the values of the state are incarnate in the everyday lives of its citizens.<sup>10</sup> Hegel is perfectly explicit about this:

The state is the actuality [*Wirklichkeit*] of the ethical idea—the ethical spirit as substantial will, *manifest* and clear to itself, which thinks and knows itself and implements what it knows in so far as it knows it. It has its immediate existence [*Existenz*]

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10. Neuhouser makes the strong claim that with one significant exception, for Hegel, all social values are reducible to the good of individuals. The only exception is this: The rational state is an organic whole; therefore, there are values that no individual *exhibits*; but the members of the state do *consciously partake* of these values. Neuhouser, *Foundations of Hegel's Social Theory*, 214–15. In particular, this is how the duty to defend the state is given an account. Neuhouser, *Foundations of Hegel's Social Theory*, 220–21. See also Wood's discussion of ethical subjectivity. Wood, *Hegel's Ethical Thought*, 209–18; "Hegel's Critique of Morality," in *G. W. F. Hegel, Grundlinien der Philosophie des Rechts*, ed. L. Siep (Berlin: Akademie Verlag, 1997). And see also, Ritter, J., "Moralität und Sittlichkeit. Zu Hegels Auseinandersetzung mit der Kantischen Ethik," in *Kritik und Metaphysic. Studien* (Heinz Heimsöth zum Achtzigsten Geburtstag), ed. F. Kaulbach and J. Ritter (Berlin: Walter de Gruyter, 1966); Pippin, R. B., "Hegel's Political Philosophy and the Problem of *Verwirklichung*," *Political Theory* 9 (1981): 524; Patten, *Hegel's Idea of Freedom*, Chapter 6.

in custom ['*Sitte*'] and its mediate existence in the *self-consciousness* of the individual [*des Einzelnen*], in the individual's self-knowledge and activity, just as self-consciousness, by virtue of its disposition, has its *substantial freedom* in the state as its essence, its end, and the product of its activity. (PR §257; see also, PM §486)

As we saw already in the first chapter of the book, the values of ethical life are embodied in the state *and* in the self-conscious knowledge and action of its members. Moreover, commitment to the higher ends of the state is expressed in the daily lives of its individual citizens. Hegel says this quite clearly when he comments on the notion of patriotism.<sup>11</sup>

Patriotism is frequently understood to mean only a willingness to perform *extraordinary* sacrifices and actions. But in essence, it is that disposition which, in the normal conditions and circumstances of life, habitually knows that the community is the substantial basis and end. It is this same consciousness, tried and tested in all circumstances of ordinary life, which underlies the willingness to make extraordinary sacrifices. (PR §268R)

So, the first point we must keep in mind is that the higher ends of the state shape the consciousness of citizens in times of peace.

The claim of the descriptive reading that wars are fought for the higher values of the state seems to be based in large part on the passage quoted above: "It is a grave miscalculation if the state, when it requires this sacrifice, is simply equated with civil society, and its ultimate end is seen merely as the *security of the life and property* of individuals [*Individuen*]" (PR §324R). This, however, need not be read as saying that in war *alone* we cannot equate the state with civil society and its values. The state cannot be equated with civil society period. In war this fact is brought out clearly. Indeed, the quote we are considering repeats almost verbatim a passage from the introduction to the State section, which distinguishes the state from civil society and makes no mention of war (see, PR §258R).<sup>12</sup>

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11. This point is emphasized by: Avineri, "The Problem of War in Hegel's Thought," 137; Wood, *Hegel's Ethical Thought*, 28; Hardimon, *Hegel's Social Philosophy*, 212–13; Patten, *Hegel's Idea of Freedom*, 189. But see, Harris, E., "Hegel's Theory of Sovereignty, International Relations, and War," 164.

12. In a discussion of the Mosaic law exempting from military service those who have not lived in their new-built house, eaten from their newly planted grapes or married their bride, Hegel says: "It is contradictory to stake this\* property and this\* existence for property and existence as such; if one thing is sacrificed for

This raises the following crucial question. If the ordinary lives of citizens embody the higher values of their state, for the sake of what values are wars fought? This question leads to the second, dramatic point against the received reading. When we look again at Hegel's text we see that the values of civil society are not the only values lost in war. *War is the destruction of all value*. Hegel speaks of individuals sacrificing their "own life and property, as well as their opinions and all that naturally falls within the province of life" (PR §324). He defines life, earlier in the *Philosophy of Right*, as "the comprehensive totality of external activity" (PR §70).<sup>13</sup> This broad sense is confirmed when he speaks of a total war which threatens a state with destruction and says that it is "wrenched away from its own internal life" (PR §323) and when he speaks of the nullification of the "wider circles [*Kreise*] [of the state]" (PR §323)—a reference to the estates which "embody in equal measure both the *sense* and *disposition* of the *state* and *government* and the *interests* of particular circles and *individuals* [*Einzelnen*]" (PR §302). Hegel quite clearly refers to all spheres of life encompassed within the state.

Hegel does not claim that in war private ends are sacrificed for the sake of the higher lasting ends of political communities. He speaks of war as positing the "nullity" of values (PR §323), the "vanishing moment" of values (PR §324) and of values being "mortal and transient" (PR §324R). He speaks of war as a "condition of rightlessness, violence"<sup>14</sup> [*Gewalt*] and contingency" (PR §338). War is the demise of politics as the sphere of human value. In war ethical life falls to a state of nature and value ceases to shape the lives of people and states. But if war is the demise of value, what is the relation of individuals to the sphere of value? For what ends are wars fought? And how possibly can there be an ethical moment of war?

The third and most significant textual difficulty with the received reading is the abstruse answer to these questions. Hegel says that in war

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another, both must be heterogeneous—property and existence only for honor, freedom or beauty,\* for something eternal" (SC 195).

13. For the same definition, given in the context of the discussion of war, see, NL 140–41.

14. I have changed Nisbet's translation of *Gewalt* from 'force' to 'violence.' I will discuss this concept of violence below. See, Chapter 6, 4, Violence and Acknowledgment.

the void values of the state are given an existence. This highly paradoxical claim alone plainly contradicts the claim that wars are waged in defense of different, higher values than those war destroys.

It is that aspect whereby the substance, as the state's absolute power over everything individual and particular, over life, property and its rights, as over the wider circles, gives the nullity [*Nichtigkeit*] of such things an existence [*Dasein*] and makes it present to the consciousness. (PR §323)

It is in war then that the void values of the state are given an existence again. War makes present to consciousness the sphere of value destroyed in war. The identification of citizens with the values of the state in peace has an obverse side. This side is the ethical moment of war. In war the state is destroyed and it is in war that the state is founded or founded anew. In war the state is made actual. The ethical moment of war is this foundation of the state.

This determination whereby the interests and rights of individuals [*der Einzelnen*] are posited as a vanishing\* [*verschwindendes*] moment is at the same time their *positive* aspect, i.e., that aspect of their individuality [*Individualität*] which is not contingent and variable, but has *being in and for itself*. (PR §324)

### *Textual Objections: The Relation of State to State*

Before proceeding to define the interpretative task now at hand it is important to note a further textual difficulty with the standard reading. The received interpretation holds that sovereign states are dependent on the recognition of foreign states and that they gain this recognition through violent conflict. Presumably, it is the actual ethical life of the state that gains recognition in war. But we now find that Hegel describes war as the collapse of the ethical sphere into the state of nature. What recognition then do states receive in wartime? What is it that finds recognition in war?

In the International Law section Hegel does say explicitly that the ethical constitution of a sovereign state depends essentially on the recognition of foreign, independent states. And the state "has a primary and absolute entitlement to be a sovereign and independent power *in the eyes of others*, i.e., *to be recognized*" (PR §331). But the entitlement of the state to be recognized simply because it is a state, says Hegel, is purely formal or

abstract (PR §331). And even in war states continue to recognize each other in this merely formal way (PR §338).<sup>15</sup>

Whether the state does in fact have being in and for itself depends on its content—on its constitution and [present] condition; and recognition, which implies that the two [i.e., form and content] are identical, also depends on the perception and will of the other state. (PR §331)

The ethical life of a state then depends upon recognition not of its empty form alone but of the content of its constitution, its actual ethical life. It follows that states can only gain substantial international recognition when their ethical lives are intact, in other words, in times of peace. States, contrary to the claim of the standard reading, have substantial international recognition not in war but in peace. Clearly, in the face of this claim, we must ask again: Why are wars necessary?

### 3. The Interpretative Burden

The crucial, too-brief explication of Hegel's claim that war makes present to consciousness the values of ethical life is found in the remark to paragraph 324.

It is *necessary* that the finite—such as property and life—should be *posited* as contingent, because contingency is the concept of the finite. On the one hand, this necessity assumes the shape of a force of nature\* [*Naturgewalt*], and everything finite is mortal and transient [*sterblich und vergänglich*]. But in the ethical essence, i.e., the state, nature is deprived of this force [*Gewalt*], and necessity is elevated to a work of freedom, to something ethical in character. The transience of the finite now becomes a *willed* evanescence, and the substantial negativity which underlies it becomes the substantial individuality proper to the ethical essence. (PR §324R)

The interpretation of Hegel's discussion of war must focus on the following claims. First, the destruction of war is characterized as reducing an ethical form of life to a state of nature. It plunges the state into an ethical void. Nevertheless, war is in some way a necessary ethical moment of ethical life. Indeed, it is in some sense constitutive of the ethical sphere. For Hegel says that in war the life of the state is made into "the substantial

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15. See also, GC 61.

individuality proper to the ethical essence." In war violence is deprived of its absolute power over human existence by the foundation of an ethical form of life. The "transience of the finite now becomes a *willed* evanescence." It is made "a work of freedom . . . something ethical in character." Hegel calls this obverse side of the ethical destruction of war its positive moment. Second, we saw that war is the demise of ethical life and that in war states no longer recognize the actual ethical constitution of their opponent. But Hegel also claims that the ethical lives of states depend on international recognition of the ethical form of life they embody. Because war is in some sense constitutive of ethical life, it is also constitutive of international relations. So, in the international sphere too there is a positive moment of war. Third, though the destruction of war "assumes the shape of an event, of an involvement with contingent occurrences coming *from without*" (PR §323), war is a relation of a state to itself. It is "the state's *own* highest moment" (PR §323). The internal and international perspectives are in some sense one and the same. The question we must answer is what exactly is the constitutive role of war in the foundation of the state (or founding it anew) and in the establishment of its international relations. What is the founding moment of ethical life and why does it occur in the ethical destruction of war?

According to the standard interpretation, the ethical moment of war consists in the identification of individuals with the higher values of their state in times of national crisis. Furthermore, it is in war that states attain international recognition for the form of life they embody. But Hegel's text, we saw, claims that the crisis of war is the complete collapse of ethical life, internal and international. Thus, the notions of identification and recognition Hegel employs must be different from those presupposed by the received reading. The question is how can there possibly be either an ethical moment of identification with the state or recognition in the international realm in war. For war is described as the disintegration of ethical life. This is the question to which we now turn.

In the next chapter I claim that Hegel conceives of war as the condition in which the founding (or founding again) of modern states takes place. What this condition is and how it is related to the ethical life of a state are the central questions of the interpretation I present. Before turning to this task, though, I introduce a text I consider of key importance for this



discussion. It deals with the first attempt to realize freedom as an actual form of political life. The text is the Absolute Freedom and Terror section of the *Phenomenology of Spirit*. I present what I take to be its central idea. I then defend the claim that Hegel's discussion of war is closely linked to this famous discussion of the French Revolution and its aftermath in the *Phenomenology*. In the next chapter then I present the claim that Hegel views war as the condition of ethical destruction from which modern states emerge and claim that his conception of war is closely related to his conception of the French Revolution. Hegel's conception of revolution and war lies at the heart of the question of how the rational becomes actual in the political sphere. I claim that the foundation of the state through war is the concrete embodiment of the notion of a founding act of ethical life. This is the founding act of modern ethical life.

## War and the Foundation of the Modern State

### I. The Actualization of the Modern State

We saw in the previous chapter that Hegel describes war in two ways. First, war is characterized as the collapse of the ethical sphere as an order that shapes the concrete life of a state. Second, from the perspective of international relations, Hegel characterizes war as the situation of international affairs in which states cease to recognize the actual ethical life of their opponent. It is very important to note that both internally and externally war is characterized as the complete destruction of the ethical sphere. For the termination of international recognition is the destruction of international law; it is the suspension of international treaties. Hegel is often taken by his critics to have thought only of limited wars and of being oblivious to the modern threats of total war.<sup>1</sup> But the characterization of war we have uncovered seems plainly to refute this allegation: War is the complete annihilation of ethical life. This characterization of war applies better to Hegel's present and future than to his past.

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1. For example, "In the early nineteenth century war was a very different phenomenon from what it has become in the twentieth. In the eighteenth it had been little more than a dangerous but gentlemanly blood-sport. With Napoleon it became more generally destructive and horrible, but not until our time has it developed into a universal disaster." Harris, "Hegel's Theory of Sovereignty, International Relations, and War," 164. See also, Verene, "Hegel's Account of War," 145.

One way to approach our problem is to underscore the fact that the discoveries we made in the text of the *Philosophy of Right* seem to ensnare Hegel in two patent contradictions.

1. War is the destruction of the internal ethical life of a state.
2. There is an ethical moment of war, which is a relation of the state to itself.
1. War is the termination of international recognition for the ethical life of a state.
2. States attain international recognition of their ethical life through war.

The first claim of each pair is a claim we uncovered in Hegel's text. The second are those the received reading identifies, the claims we have been trying to understand. These second claims too, of course, are found in Hegel's text.

The two sets of claims, however, are not contradictory. Indeed, they can be reconciled. The claims that war is the destruction of ethical life, internal and international, on the one hand, and the claims that there is an ethical moment of war and that states attain international recognition through war, on the other hand, can be reconciled. They can be reconciled if Hegel means that war is necessarily the condition of the actualization of states but is not a part of their ethical lives. Surprisingly, perhaps, Hegel says in the *Philosophy of Right* repeatedly and very explicitly that war is a condition of the actualization or the founding (or founding anew) of modern states.

First, the last section of the Introduction to the *Philosophy of Right* contains the book's division into parts. The State section is divided into three. The International Law section (PR §§330–40) is described as the stage in which the state “actualizes [*wirklich wird*] and reveals itself through the relationship between the particular national spirits” (PR §33). Second, when Hegel discusses sovereignty he speaks of a situation of crisis—clearly thinking of war—in which the ideality of the state “attains its distinct actuality [*Wirklichkeit*] (see PR §321 below)” (PR §278R). As we see here, he speaks of war as the site in which the state first becomes actual and refers explicitly to the External Sovereignty passages (PR §§321–29). Third, the very last sentence of the remark which precedes these passages speaks of subjectivity which is identical with the substantial will and says that it “has

not up till now attained its right and its existence [*Dasein*]" (PR §320R). Finally, as we already began to see, this is precisely the perplexing statement Hegel offers as an explanation of the claim that there is an ethical moment of war. War reduces the lives of all citizens and the values they embody to nought. But in "the ethical essence, i.e. the state, nature is deprived of this power, and necessity is elevated to a work of freedom, to something ethical in character" (PR §324R). As we saw above, this "determination whereby the interests and rights of individuals [*der Einzelnen*] are posited as a vanishing moment is at the same time their *positive* aspect, i.e., that aspect of their individuality [*Individualität*] which is not contingent and variable, but has *being in and for itself* [*an und für sich*]" (PR §324). The Internal Constitution section (PR §§272–320) is in German *Das innere Staatsrecht für sich*. Only in the External Sovereignty section, as we now see, does the constitution become '*an und für sich*.'<sup>2</sup> When states make their originary appearance in history, their independence is "completely abstract and without any inner development" (PR §322R). They are immediate individuals (PR §321). Substantial states appear as actual on the stage of history through war.

Indeed, in his earlier texts too Hegel claims that war is a condition of the dissolution of the ethical realm but also of founding the state, or founding it anew. In his first prolonged discussion of the matter in the *Natural Law* essay, referred to in the *Philosophy of Right* (see, PR §324R), Hegel says that war is the condition in which "ethical totalities such as peoples take shape and constitute themselves as individuals, thereby adopting an individual stance in relation to [other] individual people" (NL 140). In the *Phenomenology of Spirit*, war, on the one hand, is the collapse of ethical spirit into "[merely] natural existence," but it also "preserves and raises conscious self into freedom and its own power" (PhS §455); it raises "the law of the nether world to the actuality [*Wirklichkeit*] of the light of day and to conscious existence" (PhS §463; see also, PhS §475).<sup>3</sup>

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2. See also, PM §545.

3. The one text that seems straightforwardly to support the received interpretation of Hegel's view of war is found in *The German Constitution*. Yet, although he says there that the "health of a state generally reveals itself not so much in the tranquility of peace as in the turmoil of war" (GC 7), he goes on to say that in its war with France, "Germany has found by its own experience that it is no longer a state" (GC 7).

These passages very strongly suggest that Hegel is not claiming that war is a necessary aspect—an integral part—of the ethical life of a well-constituted state. Rather, he is claiming that war is the condition which precedes the actualization of the ethical life of the state. Peace, and not war, is the condition in which ethical life flourishes. War is its demise.

But now a second, crucial step is before us. Once we see that the ethical moment of war is not in any ordinary sense the identification of citizens with the values of their particular state, there is no longer any reason to assume that Hegel is making two separate claims in the External Sovereignty and International Law sections. For Hegel the collapse of the internal ethical life of a state and the severing of international relations are not two different phenomena connected causally. They are the two aspects of one and the same event. War is the collapse of the internal ethical life of a state and of its international bonds. And the emergence of ethical life from war is both the constitution of a state and the establishment of international relations.<sup>4</sup>

The architectonic of the *Philosophy of Right* itself represents this claim. The State section (PR §§257–360) is divided into three:

- A. Constitutional Law [*Das innere Staatsrecht*] (PR §§260–329)
- B. International Law [*Das äussere Staatsrecht*] (PR §§330–40)
- C. World History (PR §§341–60)

The first division, A. Constitutional Law, is divided into two:

- I. The Internal Constitution [*Innere Verfassung für sich*] (PR §§272–320)
- II. External Sovereignty [*Die Souveränität gegen aussen*] (PR §§321–29)

The Internal Constitution deals, obviously, with the internal constitution of the state. External Sovereignty thus looks at conflicts between sovereign states from the internal perspective of the single state. International Law looks at the very same conflicts, now from the broader perspective of the two conflicting states. The former deals with the collapse of the internal ethical structure of the state, the latter with the collapse of international law. Hegel is not making two distinct claims in these two sections. He is thinking of the same problem from two perspectives. Understanding that

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4. Cf., IUH 24–25; PP 349 footnote; MM 311.

war is the collapse of international law and not only of the state is precisely gaining the more comprehensive perspective.

Thus, ethical life has two sides. On one side, ethical life is embodied in the internal laws and institutions of the state. On the other side, it takes shape as the relationships of states to one another. The ethical life of a state and its ethical ties with other states are internally related. Though all wars undeniably disrupt the internal life of states, this—what could be more obvious—is not the only sense in which ethical life is destroyed in war. The life that binds different states together is also destroyed. The inner disruption of a state's life is internally related, Hegel holds, to breaking this international bond, both when the former is the apparent cause of the latter and when it is its consequence. The life of a state is necessarily disrupted in war, not only because its social and political institutions, its economic structure and the personal lives of its citizens are disrupted, but because the life of a state is essentially bound to the lives of other states. The community the ethical life of which is destroyed in war is not only the state but also the international community. War reveals the extent to which states are dependent on one another.

War is then the condition from which modern states bound by international treaties are made actual. It is difficult to overestimate the significance of this shift in perspective for understanding Hegel's view of war. It is an important first step towards an interpretation of Hegel's claim that there is an ethical moment of war. But this is a first step only. We still have not explained how Hegel conceives of the violence and destruction of war. We have not explained what the ethical moment of war is and why it is necessarily related to the destruction of the ethical. Before turning to these questions, I will introduce in the next section a highly relevant text from the *Phenomenology of Spirit* and make Hegel's discussion somewhat more concrete by placing it in its historical context.

## 2. The Foundation of the State in the *Phenomenology of Spirit* and in the *Philosophy of Right*

The received interpretation of Hegel's views of war holds that the ethical moment of war is the identification of citizens with the state. We saw, though, that Hegel describes war as an ethical void. But this leaves us without any idea what this identification is and how it is related to the

founding of the state. It is highly illuminating at this juncture to compare the accounts of the first attempt to give true freedom actual existence in the *Philosophy of Right* and in the *Phenomenology of Spirit*. As we have just seen, in the *Philosophy of Right*, the first foundation of freedom in a modern state is preceded by war. In the Absolute Freedom and Terror section of the *Phenomenology*, it is the French Revolution and the Reign of Terror that constitute the first attempt to give freedom actual existence.

*The Foundation of the State in the 'Phenomenology of Spirit'*

In the *Phenomenology*, when the idea of absolute freedom first makes its appearance it has no outer expression in the actual world. It does not correspond to any actual form of life. It is, we might say, all promise. But in distinction from other moments in the *Phenomenology* characterized by an inner consciousness of freedom, the appearance of the consciousness of absolute freedom does not remain a mere inner experience. From this "inner revolution there emerges the actual revolution of the actual\* [*aus dieser inneren Umwälzung tritt die wirkliche Umwälzung der Wirklichkeit hervor*]" (PhS §582).

The individual experiences the idea of freedom as an absolute and all-encompassing duty to give freedom objective shape in a state. But because there exists no such shared ethical community this duty is placed on the shoulders of the lone individual. Paradoxically, it is a distinctively political burden that cannot be shared.

This duty, however, is impossible to fulfill. It is impossible not because the ends that drive the individual to action are merely subjective. Hegel says explicitly that the individual at this stage has left behind all merely individual or parochial ends; "in passing over into action and in creating objectivity, it is making nothing individual, but only laws and functions of the state\*" (PhS §587). The single individual is charged alone with founding the state by laying down its constitutive laws and erecting its political institutions. It is crucial to recognize that the action Hegel is talking about is the act of founding freedom as an actual form of life, the task, in other words, of making the rational actual.

The act of founding freedom, however, is doomed to fail. For any particular action which sets out to give freedom objective shape can only be a constituent part of a constituted, universal whole. It cannot achieve "either universal works of language or of reality, either of laws and general

institutions of *conscious* freedom, or of deeds and works of a freedom that *will*s them” (PhS §588). A particular action can *partake* in truly universal values (deeds and works of a freedom that will the laws and institutions of conscious freedom). Indeed, a particular action can *found* truly universal values (enact laws and institutions of conscious freedom). But it can achieve such ends only within a constituted, universal whole—as a part of this whole. In a standing and well-constituted state the detailed legislation and partaking of freedom are constant tasks. But, Hegel says, this enactment of freedom presupposes the development, in thought and practice, of a political constitution as the division into branches of government (legislative, executive, judicial) and into “particular spheres of labour which would be further distinguished as more specific ‘estates’ and classes” (PhS §588). Any particular action of foundation or actualization presupposes the development of a whole political form of life as the realm of distinct, actual laws, institutions and practices. Such a particular founding action neither is absolutely universal nor—even more important—is it the originary act of founding freedom. For founding the realm of freedom presupposes the foundation of freedom. Thus, the revolutionary task of founding new freedom in a state is impossible to fulfill. This is the paradox of the foundation of the state. It is the paradox of making the rational actual.

Nevertheless, this absolute duty drives the individual to action. The individual will not surrender the charge of constituting a free state. Or, to put the same point differently, the individual does not comprehend the impossibility of the task at hand. The men and women of the French Revolution act. The abstract idea of absolute freedom takes the shape of an annihilating political vacuum. Action is the “*fury* of vanishing\* [*Verschwindens*]” (PhS §589). It completes “the destruction [*Vertilgung*] of the real\* [*realen*] organization of the world” (PhS §590). This annihilating action is the objective correlative of the paradox of the foundation of the state: making the rational actual in the political sphere.<sup>5</sup>

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5. For a clear formulation of this paradox see, Winfield, R. T., “The Theory and Practice of the History of Freedom: On the Right of History in Hegel’s Philosophy of Right,” in Perkins, R. L., ed., *History and System: Hegel’s Philosophy of History*, 138–39. For a discussion that shows that the paradox of founding the state following the French Revolution is a very real one see, Arendt, H., *On Revolution* (London: Penguin Books, 1990), 154–65.



*The Foundation of the State in the 'Philosophy of Right'*

Now the first point that comes into view when we turn to The State section in the *Philosophy of Right* to search for the destruction involved in the attempt to found freedom is the following. One of the most memorable discussions of the *Phenomenology* occupies no more than part of a remark in the *Philosophy of Right*. This is particularly striking in view of Hegel's lifelong emotional and intellectual engagement with the Revolution.<sup>6</sup> Moreover, in this remark, Hegel expresses himself differently about the French Revolution and the Reign of Terror. He still describes the Revolution and Terror as a conscious attempt to found freedom as an actual form of ethical life, driven by the attempt to realize the abstract idea of a universal will. But, remarkably, he characterizes the universal will as merely the common element of distinct, arbitrary, individual wills (PR §258R). This is something he expressly denied in the *Phenomenology*, where he claimed that the men and women of the French Revolution were not motivated by merely individual or parochial ends (see, PhS §§584–87).

... when these abstractions were invested with force<sup>\*7</sup> [*Gewalt*], they afforded the tremendous [*ungeheure*] spectacle, for the first time we know of in human history, of the overthrow of all existing and given conditions within an actual [*wirklichen*] major state and the revision of its constitution from first principles and purely in terms of *thought*; the *intention* behind this was to give it what was *supposed* to be a purely *rational* basis. On the other hand, since these were only abstractions divorced from the Idea, they turned the attempt into the most terrible and drastic event. (PR §258R)

Hegel may have changed his mind radically about the French Revolution between writing the *Phenomenology* and writing the *Philosophy of Right*. I myself doubt it.<sup>8</sup> What is clear, however, is that in the *Phe-*

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6. See, Pinkard, *Hegel: A Biography*, 22–26 and *passim*.

7. I have changed Nisbet's translation of *Gewalt* from 'power' to 'force.' Arendt defines power as the "human ability not just to act but to act in concert." Arendt, H., *On Violence in Crises of the Republic* (San Diego: Harcourt Brace & Company, 1972), 143. This is precisely what people lack at the moment Hegel is describing. See the discussion of violence below. See, Chapter 6, IV, Violence and Acknowledgment.

8. My reasons, briefly, are the following. First, Hegel's other short reference to the Revolution and Terror in the *Philosophy of Right* is very close to that in

*nomenology* the first violent attempt to found true freedom in a modern state is the French Revolution. In the *Philosophy of Right* the revolution becomes war.<sup>9</sup>

What now comes into view is that Hegel's discussion of the state in the *Philosophy of Right* begins with an attempt to found freedom within a state in the French Revolution. It ends with the attempt to found freedom within a state which is in some way related to war.<sup>10</sup> Hegel ends the *Philosophy of Right* with the claim that the foundation of true freedom within a state is dependent on its relations with other states. The structure of the State section thus reflects the move from a discussion of the first attempt to constitute freedom within a single state to a discussion of the foundation of freedom within an independent state which is a member of an international community. This is the move I characterized above as turning from the perspective internal to the state to the international perspective. The "most terrible and drastic event" does not remain an internal event within a state. It turns into war.

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the *Phenomenology*; PR §5R emphasizes the Terror and repeats almost precisely a phrase from the *Phenomenology* I quoted in the last paragraph of the previous subsection, the "fury of destruction [*Zerstören*]" (PR §5R); PR §5A summarizes the analysis of the *Phenomenology*. Second, Hegel's discussion of the Revolution in the *Lectures on the Philosophy of History*, revised shortly before his death in 1831, accords with the analysis of the *Phenomenology*. Third, the disparity between PR §258R and the Absolute Freedom and Terror section is, according to Hegel, an essential ambiguity in Rousseau's idea of a universal will. On one understanding, freedom is "composed of expressly individual [*einzelnen*] wills"; on the other, "the state is the first actualization [*Verwirklichung*] of freedom" (H-Werke 20 307). For Hegel's indebtedness to Rousseau see, Neuhouser, *Foundations of Hegel's Social Theory*, 55–81.

9. Cf., Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 484.

10. It is significant to note here that Hegel's criticism of the idea that the state is concerned only with the interests of individuals as such appears both in PR§324R and in PR §258R, in very similar terms:

If the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom, *the interest of individuals* [*der Einzelnen*] *as such* becomes the ultimate end for which they are united. . . . Since the state is objective spirit, it is only through being a member of the state that the individual [*Individuum*] himself has objectivity, truth and ethical life. (PR §258R)

We now have a very important lead how to interpret Hegel's claim that there is an ethical moment of war. Hegel's discussion of war in the *Philosophy of Right* takes the place of his discussion of the French Revolution in the *Phenomenology*. Both discussions relate the annihilation of ethical life to making freedom actual in a state. In the next section I will give more evidence to support the surprising comparison of revolution and war. This evidence will also reveal the highly significant, historical background of Hegel's discussion.

### 3. The French Revolution and the Napoleonic Wars

The Absolute Freedom and Terror section in the *Phenomenology* refers unmistakably to the French Revolution and the Reign of Terror. Hegel alludes to the Committee of Public Safety and its Law of Suspects (PhS §591).<sup>11</sup> The "meanest of all deaths, with no more significance than cutting off a head of cabbage or swallowing a mouthful of water" is a reference to the guillotine and the mass executions by drowning in the Vendée (PhS §590).<sup>12</sup> The "actual revolution of the actual\*" (PhS §582) is then the French Revolution. Is there more evidence that the early analysis of the French Revolution and its violent aftermath in the *Phenomenology* is applicable to war?

Hegel says quite explicitly that the discussion of the French Revolution in the *Phenomenology* is also a discussion of war, specifically the Napoleonic wars, in a puzzling remark made in a letter to his friend Niethammer. This much-discussed letter was written only days after Hegel had learned of Napoleon's abdication at Fontainebleau on April 6, 1814. In it he claims he predicted Napoleon's violent downfall in the *Phenomenology*.

Great events have transpired about us. It is a frightful spectacle to see a great genius destroy himself. There is nothing *tragikōtaton* [more tragic]. The entire mass of mediocrity, with its irresistible leaden weight of gravity, presses on like lead,

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11. See also, PR §5R; H-Werke 16 246; LPH1 206, 218.

12. Schmidt notes that the *Kohlhobel*, a kitchen implement used for chopping cabbage, greatly resembles the guillotine. He also argues, very convincingly, that "swallowing a mouthful of water" refers to executions by drowning. Schmidt, J., "Cabbage Heads and Gulps of Water: Hegel on the Terror," in *Political Theory* 26 (1998): 4, 8–12.

without rest or reconciliation, until it has succeeded in bringing down what is high to the same level as itself or even below. The turning point of the whole, the reason why this mass has power and—like the chorus—survives and remains on top, is that the great individual must himself give that mass the right to do what it does, thus precipitating his own fall.

I may pride myself, moreover, on having predicted this entire upheaval. In my book, which I completed on the night before the battle of Jena, I said on page 547. . . . (L April 29, 1814)

Hegel then goes on to cite the last sentences of the Absolute Freedom and Terror section.

. . . absolute freedom leaves its self-destroying actuality\* [*Wirklichkeit*] and passes over into another land of self-conscious Spirit where, in this non-actuality\* [*Unwirklichkeit*], freedom has the value of truth. In the thought of this truth Spirit refreshes itself, in so far as *it is* and remains *thought*, and knows this being which is enclosed within self-consciousness to be essential being in its perfection and completeness. There has arisen a new shape of Spirit, that of the *moral Spirit*\*. (PhS §595)

This passage is most naturally read as a transition to the subsequent sections of the *Phenomenology*, which discuss the culmination of German Enlightenment in Kantian and post-Kantian moral views—"the *moral Spirit*." Germany is presumably the "land [*Land*]" of self-conscious Spirit." The phrase is naturally read as a reference to another state and in the letter Hegel adds an emphasis to the words "*another land*" and a comment in parentheses: "(I had in mind here a specific *land*)." What is very puzzling, however, is that Hegel does not seem, in the *Phenomenology* passage, to predict a violent clash between France and Prussia, let alone the downfall of Napoleon. Indeed, he says that "absolute freedom leaves its self-destroying actuality and passes over into another land" where truth "*is and remains thought*." He draws an analogy between this transition and the earlier transition to the Faith and Pure Insight section (PhS §§527–37): "the non-actual\* [*unwirkliche*] world of\* *pure consciousness*, or of *thought*" (PhS §527). In the letter, though, he claims to have predicted "this entire upheaval"—most naturally read as a reference to Napoleon's violent defeat, the matter discussed in the 1814 letter.

How then are we to make sense of Hegel's claim that he predicted Napoleon's violent end at the hands of the world he fought to found? How, according to him, are the Revolution and the Terror—the first attempt to make freedom actual in a political state—related to the Napoleonic wars?

Now there is clearly something to the claim that the 1814 letter misrepresents the *Phenomenology* passage.<sup>13</sup> But this is far from being a fully satisfactory explanation. Hegel may or may not in fact have foreseen Napoleon's end in 1806. Soothsaying is a notoriously difficult business. But he certainly thinks he can claim to have foreseen it. If he were vainly boasting, why would he quote a passage that cannot be read as making such a prediction? How then can Hegel be read as predicting the geographical migration of the violence of absolute freedom in its struggle to give itself political actuality?

It is worth recalling that in 1806, on the "night before the battle of Jena," there was no need to predict the movement of the violent conflict of the Revolution abroad. That move had transpired long before. Already in 1792 France was at war with a coalition of Prussia, Austria and the émigrés. Its success led first to the abolition of feudalism and other reforms in what is now Belgium and on the left bank of the Rhine and then to their annexation. By 1797 "sister republics" were established in parts of Italy, the Netherlands and Switzerland. So, the violent migration of the Revolution to the international sphere is undoubtedly common knowledge. Or, better, Hegel is claiming that absolute freedom appears in Germany as an utterly abstract principle of thought; it is common knowledge that the violent attempt to actualize the principle is driven not by internal forces acting within Germany, but by an external force, namely, Napoleon and his hordes. Indeed, Hegel writes in an 1807 letter that the French nation "weighs down upon the impassiveness and dullness of these other nations, which, finally forced to give up their indolence in order to step out into actuality, will perhaps—seeing that inwardness preserves itself in externality—surpass their teachers" (L January 23, 1807). He memorably says a few months later: "The German professors of constitutional law have not stopped spewing masses of writings on the concept of sovereignty and the meaning of the Acts of

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13. Beck calls Hegel's claim rather far-fetched. Beck, L. W., "The Reformation, the Revolution, and the Restoration in Hegel's Political Philosophy," *Journal of the History of Philosophy* 14 (1976): 58, footnote 50. Harris says that the letter misrepresents the *Phenomenology* passage. The transition to Germany is a transition from the political arena to realm of thought alone. Harris, H. S., "Hegel and the French Revolution," *Clio* 7 (1977): 13–14.

Confederation. The great professor of constitutional law sits in Paris" (L August 29, 1807).<sup>14</sup>

This still leaves as an overstatement Hegel's claim to have predicted in the letter the specific outcome of the violent conflict—Napoleon's fall—and not just its occurrence. Nevertheless, Hegel is clearly indicating that the Absolute Freedom and Terror section of the *Phenomenology* is to be read as applicable to the Napoleonic wars and Napoleon's tragic end. There is a necessary conflict between the founding act of a new shape of ethical life and the world it fights to transform. The fate of Napoleon's genius is thus inscribed in the analysis of absolute freedom and terror. This, indeed, is what the letter to Niethammer says. The *Phenomenology* describes the development of the "actual revolution [*Umwälzung*] of the actual" (PhS §582). The letter includes the subsequent wars and Napoleon's fall as part

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14. Also important is the fact that Hegel calls the lone individual who acts on the call of absolute freedom a "point [*Punkt*]" (PhS §590, §591 [twice], §594). This formulation is echoed in another remarkable letter to Niethammer, written just after the battle of Jena.

I saw the emperor—this world-soul—riding out of the city on reconnaissance. It is indeed a wonderful sensation to see such an individual, who, concentrated here at a single point [*auf einen Punkt konzentriert*], astride a horse, reaches out over the world and masters it. (L October 13, 1806)

Hyppolite says that we are surely meant to read Napoleon's name between the lines of the Absolute Freedom and Terror section. He bridges the gap between the *Phenomenology* and the 1814 letter with a passage from the Jena *Realphilosophie*. Hyppolite, J., "The Significance of the French Revolution in Hegel's *Phenomenology*," in *Studies on Marx and Hegel*, trans. J. O'Neill (New York: Basic Books, 1969), 58–59. Forster makes the same claim and refers to the same passages in the *Realphilosophie*. He emphasizes that Hegel has good reason not to make too explicit his expectations of Napoleon in the *Phenomenology*. Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 480–84. Pinkard too says that Hegel is clearly talking of Napoleon. Pinkard, *Hegel's Phenomenology*, 186–87. Nusser says that the end of the Absolute Freedom and Terror section refers to the Directory. Nusser, K., "The French Revolution and Hegel's *Phenomenology of Spirit*," in "*Phenomenology of Spirit*" Reader: *Critical and Interpretative Essays*, ed. J. Stewart (Albany: State University of New York Press, 1998), 298. Wokler suggests that the end of the section refers to Thermidor and the Directory and possibly to Napoleon. Wokler, R., "Contextualizing Hegel's *Phenomenology* of the French Revolution and the Terror," *Political Theory* 26 (1998): 38.

of this revolution: Hegel claims explicitly that he “predicted this entire *revolution*\* [Die ganze ‘Umwälzung’ habe ich übrighens . . . vorausgesagt].”<sup>15</sup>

It is worth stressing that even if we conclude that the ending of the Absolute Freedom and Terror section cannot be read the way Hegel suggests in the letter, it is evident that by 1814 he thinks that its logic governs the Napoleonic wars. This remains his view in the *Philosophy of Right*. There Hegel tells us explicitly—and not in a letter—where the discussion of the *Phenomenology* fits into the scheme of the *Philosophy of Right*. Hegel ends the *Philosophy of Right* with a brief discussion of world history. There he describes the last phase of world history as charged with the task of giving freedom objective existence in the state (PR §§358–60). The state is described once again as emerging from the “battle [*Kampfe*]” through which freedom is raised “to actuality [*Wirklichkeit*] and self-conscious rationality” (PR §359): “the spiritual realm brings the existence of its heaven down to earth in this world” (PR §360). This memorable phrase repeats the thought with which Hegel introduced the discussion of the Revolution in the *Phenomenology*: “heaven is transplanted to earth below” (PhS §581). Remarkably, in an 1808 letter to Niethammer, Hegel says that constitutional reform can only be introduced into the states of the Confederation of the Rhine “from heaven, i.e., from the will of the French Emperor” because the “German people are still blind, just as they were twenty years ago” (L February 11, 1808).

#### 4. The Ethical Moment of War

The fate of Napoleon’s reign then is described in the discussion of the French Revolution in the *Phenomenology* and in the discussion of war in the *Philosophy of Right*. This shows that Hegel’s thought on war is very closely connected to his thought on revolution. It also shows that Hegel’s thought grows from persistent reflection on the events of his time. I will return to these two highly important points and their bearing on Hegel’s practical philosophy in the last section of this chapter. Our two central questions now are the following. First, what is the absolute destruction, emptiness and death which Hegel calls “the coldest and meanest of all deaths, with no more significance than cutting off a head of cabbage or

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15. The emphasis is mine.

swallowing a mouthful of water" (PhS §590)? What, in the terms of the *Philosophy of Right*, is the relation of the state to itself which appears in war as the violent destruction of the ethical sphere? Second, why is this terror necessarily related to the duty to give actual shape to freedom by the legislation and action of a lone individual? What is the positive relation Hegel says is the other aspect of the former relation of the state to itself? What is the ethical moment of war?

In this section then I return to Hegel's view of war as the complete destruction of ethical life. I show that for Hegel the impossibility of social acknowledgment is a condition of the most terrible violence and that the act of founding freedom necessarily passes unacknowledged. It is for this reason that he thinks of it as an act done in a state of war by individuals doomed to die unrecognized. I then discuss the relation of Hegel's view of war and his philosophy of history.

#### *War and Social Acknowledgment*

It is now clear that Hegel sees a necessary relation between actualizing or founding freedom and the most terrible ethical destruction: In the *Phenomenology* this ethical void is the terror of the French Revolution; in the *Philosophy of Right* it is war. But what precisely is this destruction? What does Hegel mean by claiming that war involves the collapse of ethical life? This is the question to which we now turn.

We ought first to distinguish the destruction related to the founding of freedom from the collapse of the form of life which precedes it. This is not a difficult point to establish. But it is of importance for preventing misunderstanding. Generally speaking, Hegel thinks that a form of life becomes atrophied and collapses under the pressure of its own internal contradictions. It holds true of the world of the Enlightenment in the *Phenomenology*. And, it is important to underscore, it holds true of the state of international relations which falls into war, according to the *Philosophy of Right*. It is for this reason that Hegel holds that wars are never justified by international law. Wars, quite on the contrary, are the breakdown of international law (PR §333). The event of war is not the ethical moment of war. Whatever the ethical moment of war will turn out to be, it is not the destruction of an older form of political existence. The ethical moment of war is not the relation of war to the past whose destruction it completes but to the future it founds.



In our first look at the Absolute Freedom and Terror section above, it began to emerge that Hegel characterizes the Terror as the state in which no values shape the actual life of a community. Action therefore necessarily goes unacknowledged. For, as we saw in Chapter 3, acknowledgment presupposes a constituted sphere of shared values. What separates the revolutionaries from one another is not the abstract values that move them to action. It is the impossibility of recognizing the action of one another and consequently the impossibility of acting in unison. This is what Hegel means by saying that the action of the revolutionary individual excludes all other individuals from sharing in it (PhS §589).

We know, moreover, from the discussion of Chapter 3, that for Hegel the very meaning of an ethical value is embodied in actual, shared practices and the meaning of an action depends on its role in such practices. Thus, the meaning of an action is not recognized, precisely because it is not an action done within an actual form of ethical life. Or, to formulate the point more radically, an action which is not grounded in an actual practice is meaningless. But, I hurry to add, Hegel seems to hold that revolutionary action is a necessary condition of ethical life and so of ethical meaning. It is in this highly paradoxical sense that he speaks of the “actual revolution of the actual.” Revolutionary action *makes* actual what is not yet actual.

The fact that Hegel calls revolutionary action actual—says that *the act that makes the rational actual is itself actual*—cannot be emphasized enough. For it confirms the principal claim of Chapter 4: The claim that the rational is actual poses the historically imperative question of how the rational becomes actual. Return now to the Preface to the *Philosophy of Right* and the immediate context of the dictum. Hegel says in that passage that Plato’s philosophy is an attempt to act against the destructive force of the emerging principle of free infinite personality.

But he proved his greatness of spirit by the fact that the very principle on which the distinctive character of his Idea turns is the pivot on which the impending world revolution [*Umwälzung*] turned.

What is rational is actual;

and what is actual is rational. (PR Preface, p. 20)

No one, to the best of my knowledge, has noted that the immediate context of the dictum is unwitting action in revolutionary times. The sense in which such action is itself actual poses the paradox of making freedom or the rational actual.

Hegel characterizes the Revolution as the state of affairs in which action sets out to make a new world but goes unacknowledged. But Hegel does not only claim that the meaning of action is not acknowledged. He thinks of this most extreme isolation as the “meanest of all deaths, with no more significance than cutting off a head of cabbage or swallowing a mouthful of water” (PhS §590). His claim that this isolation is the most meaningless of deaths would no doubt be taken as a literary hyperbole if not for the undeniable fact that the Revolution unleashed a blind and deadly terror between men and women united by a common cause. The execution of Louis XVI and the slaughtering of imprisoned royalists and refractory clergy following the revolution of 1792 might perhaps be described as completing the destruction of the old world (PhS §590). There is, moreover, clearly such an element in the wars France fought in the decades following the Revolution. But what Hegel has in mind here is the terrible bloodshed between people closer to one another in spirit than the parties of the most peaceful and stable modern regimes. These bloody conflicts tore France internally after the Revolution. But the wars in Europe which followed the Revolution also placed on opposing sides of deadly conflicts individuals united by their political convictions. There are surely more tragic examples, but we need look no further than Hegel’s own evident support of Napoleon at Jena. The fratricidal years of the Revolution and the subsequent European wars witness the destruction Hegel associates with the founding of freedom. It is this blind violence that he describes as the complete collapse of the ethical sphere.

### *Violence and Acknowledgment*

We saw above that the standard reading holds that according to Hegel violent conflict is a necessary aspect of international recognition. We now see that the relation between recognition and the violent conflict of war is very different. The violence of war, according to Hegel, is related to the complete collapse of structures of recognition. We find the underpinnings of this original notion of violence in Hegel’s Nuremberg text *Rechts-, Pflichten- und Religionslehre für die Unterklasse*.

The German *Gewalt* can be translated by the terms power, authority, force or violence, none of which of course is unambiguous itself.<sup>16</sup> Hegel

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16. See, Arendt, *On Violence*, 134–55.

uses the term in the sense of power or authority, for example, in the titles The Power of the Sovereign [*Die fürstliche Gewalt*] (PR §§275–86) and The Legislative Power [*Die gesetzgebende Gewalt*] (PR §§298–320). He speaks of forces of nature [*Naturgewalt*], notably in PR §324R, where he says that the necessity of war “assumes the shape of a force of nature.\*” And he speaks of a state of nature preceding the first forms of ethical existence as “a state governed entirely by force [*Gewalt*]” (PR §93R).<sup>17</sup> However, Hegel uses *Gewalt* and its cognates in a special sense which is highly relevant to our discussion and is best, I think, translated by ‘violence.’

In the Nuremberg text Hegel distinguishes two types of transgressions against the law (H-Werke 4 241–44). This very same distinction underwrites Hegel’s developed theory of crime and its punishment in the *Philosophy of Right* (see, §§PR 95–103). First, a person can break a law and at the same time recognize the validity of the law and the injured person as a person with legal standing. For example, a person can claim my property is his but recognize that the law determines whether the property is mine or his; and if it is found to be mine he will let me have it. In the *Philosophy of Right* this sort of transgression falls under the head of Unintentional Wrong (PR §§84–86). It is addressed by civil actions (PR §85; SL 642). Second, a person can violate a law and not recognize another person as having a right or rights at all. The examples Hegel gives for transgressions

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17. In describing war as a fall to a state of nature Hegel reverses Hobbes’s well-known description of the state of nature as a war of all against all. Hobbes, T., *On the Citizen*, ed. and trans. R. Tucker and M. Silverthorne (Cambridge: Cambridge University Press, 1998), Preface, pp. 11–12, Chapter 1.12, pp. 29–30; *Leviathan*, ed. R. Tucker (Cambridge: Cambridge University Press, 1996), Part 1, Chapter 13, pp. 86–90. In contrast to Hobbes, Hegel seems to hold that an original state of nature preceding the establishment of government is not a state of violent war. For Hegel, war logically presupposes the ethical. Hobbes does not hold that an actual state of nature preceded all governments. But it does, for example, with “the savage people in many places of *America*.” Hobbes: *On the Citizen*, Chapter 1.12, p. 30; *Leviathan*, Part 1, Chapter 13, p. 89. Rousseau, close in this to Hegel, calls Hobbes’s view horrible and says that “contrary to his absurd doctrine, the state of war, far from being natural to man, is born of peace, or at least of the precautions men have taken to secure a lasting peace.” Rousseau, J. J., “The State of War,” in *The Social Contract and Other Later Political Writing*, ed. and trans. V. Gourevitch (Cambridge: Cambridge University Press, 1997), 163.

of this type are all cases of not recognizing another as a person or as a person with legal standing. In the *Philosophy of Right* he speaks of the general or partial infringement of “the will’s existence and determinacy” (PR §96). The severest infractions of this sort are the severest injuries to external freedom: enslavement and imprisonment. Hegel then lists injuries to life and limb, and then denying a person’s very right to hold property.<sup>18</sup> In the *Philosophy of Right* these infringements of the law fall under the head Coercion and Crime (PR §§95–103). This is the sphere of penal or criminal law (PR §95). Hegel calls this denial of the freedom of another “violence [*Gewalttätigkeit*]” (H-Werke 4 243).

This usage is of great importance for our discussion. We saw in Chapter 3 that Hegel thinks of the denial of acknowledgment as violence. Here he implicitly *defines* violence as a state in which the very value of a person or an act is denied acknowledgment; the very encounter with the meaningful action of a free individual is denied. Thereby, the value embodied in a law, as a law that shapes the shared life of people, is transgressed. It is of great significance that Hegel calls this sort of violence a transgression against the law or right as right (H-Werke 4 241, 242; SL 642; PR §95, §97, §99R).

Within a constituted sphere of values then the act of an individual is violent to the extent that it threatens to empty an idea of its actualization as an existing law or custom. Acts committed in blindness to a value are particularly violent, because they do not recognize the actual existence of the value. Vandalism, for example, is violent because it not only robs a person of a thing of material worth but flagrantly damages it. The act of an authority in power would, it seems, be violent when it acts against the idea embodied in the law for which it stands. Thus, a government in power turns violent when it fractures the society it is supposed to unite. Punishment is most violent when it banishes an individual from human society by incarceration or a sentence of death.<sup>19</sup>

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18. In the *Philosophy of Right*, Hegel’s examples of crimes in which “the will’s existence and determinacy in general is infringed throughout its entire extent, and hence in that infinity which corresponds to its concept” are murder, slavery and religious coercion (PR §96R).

19. Hegel criticizes at length a number of theories of punishment (punishment as prevention, deterrent, threat, punishment as private revenge and the contractarian view of punishment). His own theory is that crime, the infringement of

Violence is so often physical because our idea of our own value is essentially related to our idea of our freedom. We think of ourselves first and foremost as free and sense our freedom most intimately in our body.<sup>20</sup> Physical violence thus wounds most severely when the value transgressed is incarnate in our own body; and physical force becomes futile when it is not. It is precisely for this reason that Hegel speaks only of injuries to external freedom (H-Werke 4 243); it is “only the *existent* [*daseiende*] will which can be infringed” (PR §96R).

Violence then robs its victim of the power to act by not recognizing an act and its agent as bearers of value. It thereby banishes a person from human community. Violence exposes the fragility of the shared life which binds a community together by shattering the bonds of humanity.

But Hegel clearly views the radical violence of war or revolution as an even more extreme form of violence than those which occur within a

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right as right, “*within itself* is null and void [*nichtig*]” and punishment is the “*manifestation* of its nullity [*Nichtigkeit*]” (PR §97). Punishment is retributive. It cancels the infringement of right and thus restores justice. It intuitively follows that an injury done to a person must be redressed (a stolen object must be returned; a person wrongly imprisoned must be freed). What I just don’t see is how this principle determines the common practice of punishing criminals. This point is especially clear when we consider murder and capital punishment, which Hegel advocates (see, PR §101A). The death of a person cannot be cancelled. And it is certainly not cancelled by the execution of the criminal. But this point seems to apply to all crimes. (Put in the terms Hegel employs in the *Science of Logic*, the negative infinite judgment is nonsensical or not a judgment at all; nor is its negation, the positive infinite judgment, a judgment; it is significant that Hegel formulates it as a tautology, an empty abstraction: “*the universal is universal*” [SL 641–43]). If the criminal act is thought of as an ethical crisis in which criminals banish not only another but also themselves from the community then it seems to follow that annulling the crime would demand the sort of tragic act which takes the criminal back into the ethical fold. It is a violent act which neither the criminal nor the one who redresses the crime survives. I find this suggestion in Hegel’s discussion of crime in the *Phenomenology*. There it is Antigone who commits a crime. She dresses the exposed body of her brother, who—we must not forget—has committed a crime against the city. See, PhS §§468–72. In the *Lectures on the Philosophy of World History* Hegel says explicitly that the founding act of a new ethical order can be a crime (LPH 141).

20. Hegel says: “*in meinem Körper selbst mein unmittelbares Selbstgefühl [ist]*” (H-Werke 4 244).

constituted sphere of value. For war and revolution, on Hegel's view, are states in which the law loses its hold on the lives of people and no longer shapes the actual world. The reign of value is overthrown and action is doomed to oblivion. In the *Phenomenology* Hegel calls a comparable state a "violent [*gewalttätige*] ordering of the world" (PhS §369). The extreme violence of war is the ethical vacuum which crushes any action by denying it significance. The violence of war not only completes "the destruction of the actual organization of the world" (PhS §590). It is the void in which any action necessarily goes unrequited. It is the human world gone ethically deaf. This is "the coldest and meanest of all deaths, with no more significance than cutting off a head of cabbage or swallowing a mouthful of water" (PhS §590).<sup>21</sup>

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21. By characterizing war as the collapse of the ethical sphere Hegel breaks with the odious view commonly associated with the name of Clausewitz. The dictum "war is merely the continuation of policy by other means" is probably the best-known and most often parroted one-liner about war. Clausewitz, C., *On War*, ed. and trans. M. Howard, P. Paret (Princeton: Princeton University Press, 1976), 87. Clausewitz, however, means it in something very close to the opposite sense attributed to this phrase by jingoes. He characterizes war as a "paradoxical trinity—composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone." Clausewitz, *On War*, 89. According to Clausewitz, the former two elements—but especially the first—tend far to outweigh the last. It is precisely this tendency towards what Clausewitz calls 'absolute war' that might lead us to conclude that war has nothing to do with policy and that consequently war cannot be rationally analyzed. And it is in insistence that despite this inherent and insuperable difficulty we must try to understand war that Clausewitz says that war must be considered an instrument of policy. Theoretically, however, wars are absolute wars, wars of pure violence. In other words, the theoretical concept of war is the concept of absolute war.

. . . one might wonder whether there is any truth at all in our concept of the absolute character of war were it not for the fact that with our own eyes we have seen warfare achieve this state of absolute perfection. After the short prelude of the French Revolution, Bonaparte brought it swiftly and ruthlessly to that point. (Clausewitz, *On War*, 580)

The implicit Hegelian notion of violence is in accord with one of the two main claims of Arendt's *On Violence*, namely, that violence increases as

*The Founding Act of Ethical Life*

Hegel then thinks that a necessary condition of the attainment of freedom is a moment of founding the realm of freedom. This is the founding act of ethical life. It is not—this is very important to emphasize—an action in any ordinary sense. For it is not part of any acknowledged, standing order of value. It is the foundation of an order of values. In other words, this revolutionary act is not actual, except in the paradoxical sense in which Hegel speaks of the “*actual* revolution of the actual.” The sense in which the revolutionary act of making the rational actual is itself actual explains what Hegel means by claiming that the rational *is* actual.

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power, “the human ability not just to act but to act in concert” decreases. Arendt, *On Violence*, 143. Puzzling, from the Hegelian perspective, is the insistence that the “very substance of violent action is ruled by the means-end category, whose chief characteristic, if applied to human affairs, has always been that the end is in danger of being overwhelmed by the means which it justifies and which are needed to reach it.” Arendt, *On Violence*, 106. I think (but may stand corrected) that this view of violence as the friction of the working machine—rather than as the sabot thrown into the machine, to name just one alternative—is explained by the following two points. First, Arendt is clearly focusing on the Civil Rights Movement and the student revolutions of the 1960s. I think that she is really only concerned with this type of violence. Second, she wants to establish “civil disobedience among our political institutions.” Arendt, *Civil Disobedience*, in *Crises of the Republic*, 101. Paradoxically, she thinks of friction as a productive power and wants to ensure that it is harnessed by the political machine. The first point seems to narrow the investigation to what Benjamin calls ‘law-making violence’ (Arendt is clearly drawing from Benjamin in her essay). But the second seems to force together law-making violence and law-preserving violence. Benjamin, W., “Critique of Violence,” in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. P. Demetz, trans. E. Jephcott (New York: Schocken Books 1986). The impossibility of making the founding act of ethical life itself a part of ethical life is something Hegel sees very clearly.

At one point in her essay Arendt says that politics itself was a means to escape death. Arendt, *On Violence*, 165. This might suggest—though significantly Arendt does not draw this conclusion—that the political sphere itself, the sphere of communally acknowledged ends and means, is necessarily instituted by violence. But Arendt denies that any political body can be founded on violence in the face of death because it creates the most transitory of communities. Arendt, *On Violence*, 165–66.

The very idea of such an act characteristically remains undiscovered by accounts of Hegel's view of the origin of new forms of political life, just as Hegel's conception of a founding act of ethical life, the topic of the first part of the book, remains unseen. We saw in the discussion of the French Revolution that Hegel insists that the individual driven to action by the consciousness of absolute freedom must make the law and accomplish "not a particular work, but the universal work itself" (PhS §588). The individual, in the ethical devastation of war, must deprive nature of its violent hold on human life and make it "a work of freedom . . . something ethical in character" (PR §324R). This is the concrete appearance of the idea to which the first part of the book is devoted, Hegel's conception of a founding act of ethical life.

How does Hegel characterize this act? We saw in Chapter 3 that Hegel conceives of a founding act of ethical life as an act that is necessarily denied acknowledgment by the form of life it transforms and as necessarily a condition of utmost violence. Indeed, the actual founding action of the ethical realm is not guided by already acknowledged, shared ways of life and political action. Acting on the highest ideal of absolute freedom is not acting within an actual founded state. It is the act of founding or constituting a state. It is necessarily the act of lone individuals, because where there is no structure of shared values acting in unison is impossible. This moment, this act, is a condition of the most extreme isolation and so necessarily unrequited. It is a condition of the most devastating violence.

It is Hegel's view furthermore, again as we saw in Chapter 3, that the founding individuals cannot be fully conscious of the law driving them to action (PR §348). For self-consciousness of freedom presupposes an articulated sphere of actual freedom. The founding act might be called radically autonomous, not because it is the self-legislation of an already existent person and state, but because it is the making of a new state and person. The founding individual "expresses the will of his age, tells it what its will is, and accomplishes this will" (PR §318A). But this individual—like Antigone, charged by the chorus of Theban elders for her autonomy—is not conscious of this will as a universal law. This indeed is precisely the meaning of the often-used Hegelian term the 'cunning of reason' (see, EL §209; LPH 89).

This, I submit, is the objective correlative of the last part of Hegel's theory of action we examined in Chapter 3. It complements and greatly complicates his political theory. For Hegel, the revolutionary act of founding



the ethical realm—like Antigone’s burial of Polynices—is an act which confers value upon an end. It cannot be guided by that end, indeed, by any end. To legislate fully freely is to *make* something into an end. It is to take a life, itself without value, and *make* it a thing of value. Thus, the act of founding an ethical form of human life is not acknowledging the value of an already existent life. It is *making* a life a thing of value. It is making a life actual. This, I claim, is what Hegel means when he speaks of the moment of taking a life violently exposed to the blind forces of nature and drawing it into the realm of reason, making it “something ethical in character” (PR §324R). This is what he means when he speaks of making Polynices’s merely natural death into “something *done*” (PhS §452). This is the reason why ethical life is founded on razed ground. This necessary relation between the foundation of freedom and the destruction of the ethical is the ethical moment of war.

## 5. War and Hegel’s Philosophy of History

Three tasks still lie before us. The first two can be discharged by looking at the last section of the *Philosophy of Right*, World History (PR §§341–60) and at the conclusion of Hegel’s *Lectures on the Philosophy of History*. First, it is important to see that Hegel’s view of war and the foundation of ethical life sheds light on his very well-known conception of world-historical individuals and their action. Conversely, seeing in this new light the great individuals of history corroborates the conception of the foundation of ethical life expounded in this chapter. Second and very significantly, attending to Hegel’s description and analysis of the last stage of history reveals that the actual foundation of modern ethical life remains an open question. The actuality of the rational—the question raised in Chapter 4 and pursued in the discussion of war in Chapter 5 and in this chapter—remains for Hegel an open question. In other words, Hegel’s philosophy of history does not end with the end of history. Third, the chapter will raise the question of whether Hegel’s conception of war as the moment in which ethical life might be founded holds true of all wars.

### *The World-Historical Individual*

It is now clear that the claim that the founding act of the ethical realm is necessarily violent and necessarily passes unacknowledged is

very closely related to the conception of the leading figure of Hegel's philosophy of history, the world-historical individual. It is the world-historical individual and his legions who fulfill the revolutionary promise of freedom: "The state of the world is not yet fully known, and the aim is to give it reality. This is the object of world-historical individuals" (LPH 84).<sup>22</sup> The great man is the founder of states, the author of a violent, unacknowledged, epoch-making action. Napoleon's name, we saw, is inscribed at the end of the Absolute Freedom and Terror section and in the last stage of world history in the *Philosophy of Right*, but he is not recognized as the figure who acts to make the promise of freedom actual.

The idea of world-historical action is indeed a confirmation of the claim that acknowledged action is impossible within the ethical void of war. The world-historical individual deals and suffers violence. The great individual acts unacknowledged and is destroyed by the ethical life which he attempts to found. In history, unacknowledged action and

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22. Hegel emphasizes the role of the world-historical individual and does not discuss in sufficient detail the action of the rank and file in war. This is probably because he does not distinguish in sufficient detail the ancient law-giver and the modern world-historical individual. According to Hegel, the hero of antiquity is the first origin of the law. He is the very first founder of ethical life (PR §93A, §150R, §167R, §170R), and he carries alone the burden of the whole extent of the law (LFA 177–93). In contrast, the modern world-historical individual must replace a detailed system of laws, a whole social existence, with a new one. Modern founding or radically transforming a way of life is thus a social act, whereas ancient law-giving is the act of a lone individual. The people who fight in the wars of modern times also act, in an important sense, alone. For they do not stand under the aegis of existing laws. But contrary to heroes of old they act alone and at the same time with others. Most modern law-makers then are anonymous.

The principle of the modern world—*thought* and the *universal*—has given a higher form [*Gestalt*] to valour, in that its expression seems to be more mechanical and not so much the deed of a *particular* person as that of a *member* of a whole. It likewise appears to be directed not against individual persons, but against a hostile whole in general, so that personal courage appears impersonal. (PR §328R; see also, SC 260)

meaningless death are a necessary condition of the foundation of the ethical.

Hegel is explicit about this. The world-historical action of founding a new ethical state passes unrecognized, both by participants and by witnesses (PR §348). Constituting a new ethical state is an act which receives no recognition precisely because it is the first appearance of a form of ethical life. It is not an action done in obedience to an existing law and thus cannot be recognized as one. Nor is it, in any ordinary sense, right. On the contrary, it appears as “violence [*Gewalt*] and wrong” (PR §350).<sup>23</sup> Hegel says of the latter-day Theseus, who will make Germany into a state: “an event such as this has never been the fruit of deliberation, but only of violence\* [*Gewalt*]” (GC 100). The founding act is violent in the same way that all action in war is violent. It is violent as Antigone’s burial of her brother is violent. It is an act oblivious to the fact that value resides in a community and that it therefore depends on recognition. The world-historical individual acts violently alone. Indeed, the founding action can take the shape of an immoral, even criminal action (LPH 141).<sup>24</sup> The great man is moved to act to found freedom. This is “the *right of heroes* to establish states” (PR §350).<sup>25</sup> The world-historical individual, however, is destroyed by the world to which he gives birth: As Hegel says of Napoleon, “the great individual must him-

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23. See also, PR §93R, §93A. The possibility of ‘divine legislation of a beneficial kind’ (PR §350), also raised in this section, refers to the first foundation of states by the heroes of antiquity: “In the consciousness of the ancients, the introduction of agriculture and of the institutions associated with it were divine acts, and they were accordingly treated with religious veneration” (PR §203R); see also, PR §167R. See, footnote 22 above.

24. See, footnote 19 above.

25. In *The German Constitution* Hegel defines madness as the “complete isolation of the individual from his kind” (GC 101). In a situation of total ethical disintegration, “concepts and insight are fraught with such self-distrust that they must be justified by violence\* [*durch die Gewalt gerechtfertigt*] before people will submit to them” (GC 101). As Dickey’s editorial notes suggest, Hegel seems to be referring to the French Revolution when he speaks of attaining “so pernicious a degree of isolation as to murder and be murdered until the state is obliterated” (GC 101).

self give that mass the right to do what it does, thus precipitating his own fall" (L April 29, 1814).<sup>26</sup>

### *War and Revolution*

Is it plausible to construct a general view of war as the founding of the state that seems to be so deeply grounded in an analysis of the French Revolution and the Terror? It is one thing to claim that the Napoleonic wars were closely related to the Revolution. Terrible though they were, by all accounts they were crucial events in the advent of modern freedom. But what basis can Hegel possibly have for generalizing this claim? He views the Revolution as involving a necessary connection between the struggle for a radically new political beginning and the terror of the comprehensive destruction of the social and political institutions of the state. This connection might well hold true of other revolutions and of wars of political liberation. But surely not all wars resemble revolutions. Revolution is an internal conflict within a state and its violence tears the state apart. It seems therefore plausible to claim that revolutions do always threaten to topple the institutions of the state and with them the edifice of ethical meaning. Their end is of course the establishment of a new political order. But in war two different lives are locked in deadly opposition. At stake, very often, is the preservation of the political lives of the conflicting states. War is, in this case, conservative. Whereas revolution is . . . well, revolutionary.

How can Hegel defend the claims that war is always the destruction of ethical life and that the destruction of war is always related to the struggle for a new political beginning? For Hegel, it is a mistake to insist that ethical life is still standing intact simply because the state's military lines of defense have not fallen. In war, the state and its institutions still exist formally, as does the state's formal right to be recognized by other states. But the values that shape the lives of individuals in peace do not shape their lives on the battlefield or the home front. This is what Hegel means when he says that in an all-out war the entire state is "wrenched away from its

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26. As soon as great individuals accomplish their purpose "they die early like Alexander, are murdered like Caesar, or deported like Napoleon" (LPH 85). The same logic is said to govern the action of Theseus (GC 100), the Greek law-givers (H-Werke 12 310), Socrates (H-Werke 18 511-13) and Jesus (SC 205-6).

own internal life" (PR §326). To go into action is already to have lost a life, for the ground of a shared way of life has already collapsed under foot.

To say that war is the collapse of a shape of life is not to find fault in that life—or value in the life that emerges from war. A free state can be conquered in war. A state which succeeds in defending itself is not for this reason free. Hegel's analysis of the Napoleonic wars offers conclusive evidence for this last claim. To say that a state and its international relations suffer ethical destruction in war is to say that a particular way of life is no longer lived. War demands "the surrender of personal actuality [*Wirklichkeit*]" (PR §328). The customs, laws and institutions of the state, and most clearly its international relations, no longer shape the lives of its citizens. There is an unbreachable gap between the political ends of the state and existence in war. Life stops in war. To be lived again it must be made again. Or a different life must be made. These claims hold true of both sides of an armed conflict.

The idea that the destruction of war requires founding the state and its international relations anew explains how Hegel can generalize from the case of the French Revolution and the Napoleonic wars and suggest that in all wars there is the possibility of the foundation of freedom. Wars are revolutionary because their very destruction is the possibility of a new beginning, even though their cause is not the revolutionary intention of founding a new ethical order. This new beginning can restore the order shattered by war. But more often than not, war will be the site of the foundation of a new form of political existence, internally and internationally. The very possibility of founding a radically new form of life reveals that rebuilding the state and its international relations is itself a fundamentally new beginning. Both the violent first birth of freedom within a state through revolution and founding again a state torn apart by war are similar, for both are originary. Conversely, the very word we employ to speak of founding a radically new political order implies that it is merely a moment on a regular, law-governed orbit to which we are returning.<sup>27</sup>

The question of the historical applicability of Hegel's view of war deserves separate attention. It might, moreover, be possible to extend his view and consider not only wars and the foundation of new states but also other radical political transformations. In considering such transformations, it

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27. See, Arendt, *On Revolution*, 42–47.

will be important to remember that even when the names and borders of states have not changed they do not always remain the same and that violence takes many forms. It is of great importance, however, to understand that historical facts and analyses cannot offer a conclusive argument for the universal truth of Hegel's view. Historical examples might make the view seem more plausible by describing the role of wars in the radical political changes of our past or the collapse of a way of life concomitant with other radical transformations. But they cannot reveal their role in our present or future. Precisely because, for Hegel, war is the collapse of the structures of ethical meaning, it poses the impossibly abstract task of founding a new world. The idea that building again a state thrown into war might be the ethical moment of present or future wars is reassuring precisely because it promises to demand no more than building again the political past. Here, finally, we see unveiled the assumption behind the descriptive reading and our own resistance to Hegel's view. We want to think of ourselves as living within a just, standing state, in peace. For this reason we take Hegel to predict and justify wars in our future. But Hegel's political philosophy, we will now see, sounds in the ethical destruction of war. He ends his political philosophy and his philosophy of history with a vision of human life destroyed. In the presence of violence he speaks of a future not yet founded.

*War and Hegel's Historical Present: The End of History?*

This brings us, in conclusion, to the following very important questions. Does Hegel think that the ethical moment of war is the actual, historical event of the founding of ethical life? In particular, are we to see the founding act of modern political freedom—the foundation of the modern state—in the French Revolution and the Napoleonic wars? What implications does Hegel's understanding of the political present have for the claim that the rational is actual and for his philosophy of history? Does he think his present is the end of history?

The last section of the *Philosophy of Right* is a précis of Hegel's philosophy of history, called World History (PR §§341–60). World history is often taken to end in a higher stage in the development of freedom than the ever-present possibility of war Hegel seems to speak of in the work's penultimate section, International Law (PR §§330–40). Indeed, some proponents of the descriptive reading we examined in the previous chapter

project upon its stage their vision of a higher ethical life than the war-stricken present.<sup>28</sup> But we already saw above that Hegel describes the last phase of world history in the précis, The Germanic Realm (PR §§358–60), as charged with the task of giving freedom objective existence in the state. It is crucial to see that the last historical moment Hegel describes in the *Philosophy of Right* is the present. And it is a present afflicted with war. The task of founding freedom is the task of the present. Freedom and peace lie in the future.

Hegel's philosophy of history plainly refutes the view that it describes the end of history. That Hegel indeed views his lifetime as sunk in war is entirely explicit in the concluding pages of the *Lectures on the Philosophy of History*, extensively revised not long before his sudden death in November 1831. This text is thus the last and most complete analysis Hegel bequeathed us of his political age. There Hegel refers to the period between the French Revolution of 1789 and the July Revolution of 1830 as "forty years of wars" (LPH1 219).<sup>29</sup> He says entirely explicitly that the task of these times is the task of the French Revolution and the Napoleonic wars: the foundation of political freedom.

In reading this text and looking for the moment of the foundation of freedom we discover a point of decisive importance: Hegel's analysis of the aftermath of the French Revolution in the last pages of the *Lectures on the Philosophy of History* reveals that far from being the rule that freedom always prevails in the historical conflicts of his day, it will be—at best—an exception. Hegel maps the violent propagation of the ideas of the Revolution through Europe by Napoleon's army. He thinks that the Napoleonic wars—with the one possible exception of Germany—ended in the defeat

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28. See, for example, Avineri, *Hegel's Theory of the Modern State*, 207; Harris, "Hegel's Theory of Sovereignty, International Relations, and War," 164.

29. See also:

I am about to be fifty years old, and I have spent thirty of these fifty years in these ever unrestful times of hope and fear. I had hoped that for once we might be done with it. Now I must confess that things continue as ever. Indeed, in one's darker hours it seems they are getting ever worse. (L October 30, 1819)

But these are still anxious times in which every thing that previously was taken to be solid and secure seems to totter. (L January 18, 1831)

of the idea of freedom, or, more precisely, that whatever political advances the world has undergone, the realization of freedom is still a present task. The idea of freedom was defeated in France itself, in Spain and in Italy. And it was defeated in Austria and England. It is only the fate of Germany that Hegel leaves an open question (LPHI 219–24).

It is difficult to overestimate the importance of the claim that history is not at its end in arguing against the idea that the ethical moment of war is the identification of citizens with the ethical values of their state. Hegel is critical of the European states of his time precisely because of their inner ethical stability. The identification of citizens with the values of their state in these wars is their very resistance to the ideal of freedom. Thus, for example, he singles out the Protestant states, and Austria and England, for their “inner stability” but characterizes Austria as “untouched by ideas” and “unimproved by education or religion” and says that “universal principles mean nothing to the English and sound hollow to them” (LPHI 220–21). And he says of the Catholic states that they “relapsed into their old condition” because “it is a false principle that the fetters which bind right and freedom can be cast off without the emancipation of conscience—i.e., that there can be a revolution without a Reformation” (LPHI 220). The ethical moment in the Napoleonic wars is clearly not finally the identification of citizens with the values of their states. Nor is it the historically present founding of freedom. Hegel just does not think that the foundation of freedom has been accomplished.

With his enormous strength of character [Napoleon] then looked outward, subjugated the whole of Europe and spread his liberal institutions everywhere. No greater victories were ever won, and no campaigns of greater genius were ever conducted; but never did the powerlessness of victory appear in a clearer light than it did then. (LPHI 218)

Freedom has yet to be founded. The duty of the present, for Hegel, is to overcome the persistent abstraction of the principle of freedom. Freedom must become the actual ground of an ethical form of life: “This collision, this crux, this problem is what history now faces, and it must solve it at some time in the future.” (LPHI 219).

These clearly stated claims of Hegel’s text are of immense importance. There is no guarantee that the attempt to found new life will succeed, or freedom prevail. This plainly refutes the very often-encountered



view that for Hegel the march of spirit is the unstoppable force of history. The rational becomes actual through human action. The march of freedom is our work. And the fate of this work remains an open question in Hegel's final vision of human history.

We saw at the very beginning of our discussion in Chapter 1 that Hegel is sometimes portrayed as the origin of all historical relativism in ethical theory, because he holds that only within an actual historical form of social-political life do abstract values find real significance. But Hegel, we also saw there, is not at all an ethical relativist. History, for him, is the necessary process of the conceptual development and political actualization of freedom. And there is but one absolute good: "*realized freedom, the absolute and ultimate end of the world*" (PR §129). Thus, rational justification of the values and institutions of a society requires an account of the historical process—conceptual and concrete—through which they succeeded earlier and more limited values and social-political institutions. Rational reflection is necessarily historical, for reason develops in history. To understand this process, a process of which we are a part, is to come to understand its rationality. Almost all interpretations of Hegel find this idea of immense value. Hegel's philosophy is both historically concrete and comprehensive. In other words, it is comprehensive or absolute, but does not lay claim to an absolute and abstract vantage point outside history. Conceptual and social-political progress is the internal process of history.

We are now in the position to answer a key question: Why is an account of the conditions of the foundation of a new form of life a necessary part of Hegel's theory of the historical development of reason? Why is the conception of a founding act of ethical life an indispensable part of Hegel's philosophy of history? To answer this question it is important to see that the analysis of the concept and historical example of a founding act of ethical life does not stand in conflict with the idea of philosophy both comprehensive and historically concrete. Rather, it complements it. To see how it complements it we might ask whether Hegel is ordinarily read as giving a fully satisfactory answer to the charge of relativism. What makes the process of the development of forms of life and thought objective? Two answers have been given to this question. First, Hegel is thought to ground his philosophy of history ultimately in an absolute vantage point outside history (either eschatological, in his philosophy of religion, or in the necessary march of thought, in the *Logic*, or in the necessary his-

torical agency of Spirit, in his philosophy of history). But this is to give up on what very many interpretations think is of the greatest value in Hegel's philosophy of history, namely, precisely the fact that it does lay claim to such a vantage point outside history. Second, Hegel is thought to describe the development of history from the concrete vantage point of the end of history. (This second claim often, but not always, appears in conjunction with the first.) But for Hegel, we saw, history is not over. On my account, what completes Hegel's philosophy of history is precisely describing the conditions of the founding of a new form of ethical life, and no guarantee that history will see freedom made fully actual. Hegel's philosophy of history is comprehensive not because its end is in metaphysical view, nor because he has the vantage point of the end of history, but because it gives an account precisely of its limits. This is the place of the concept of the founding act of ethical life within Hegel's philosophy. Hegel completes his comprehensive account of the rational progress of history, by describing the conditions of the historical moments of violence and irrationality within it.

## The Last Act of Practical Philosophy

In conclusion I would like to address the following three questions. First, I will return to the opening question of abstraction and concreteness in practical philosophy. Hegel's practical philosophy begins with a criticism of the abstraction of Kantian morality. But, on the interpretation I have offered, it does not end by ridding us of abstraction for good. The founding act of a new form of ethical life cannot be guided by the concrete ethical life people at present share. Its necessity is the necessity of acting on the abstraction of the moral law. Indisputably a champion of concreteness, Hegel also comprehends the necessity and tragedy of abstraction. In the second section of this concluding chapter I will claim that the paradox of the founding act is a founding problem of political philosophy and is articulated clearly already in Plato's *Republic*. Finally, I propose to return to the persistent question of the performative force of Hegel's practical philosophy. I will suggest that Hegel's grappling with the conditions of founding a new form of life might best be taken not as merely describing these conditions but also as sounding the utterly abstract and impracticable call to found freedom and make the rational actual.

### 1. Morality, Abstract and Concrete

Kant and Hegel are sometimes taken to stand for the diametrically opposed claims made on moral thought by the ideals of abstraction and

concreteness. We saw in Chapter 1 that Kant is still sometimes presented as promising to derive the entire content of morality *ex nihilo*, from the formula of universal laws of the categorical imperative. Hegel is even now not infrequently thought to be the unlikely sort of ethical relativist who thinks that whatever is is moral. Ethical life is taking on, in Bradley's phrase, 'my station and its duties.' But closer study revealed that Kant's moral philosophy is grounded in the psychological, social and political facts of his historical present. This fact is most clearly evident in his assumption that the particular moral injunctions we must obey are well known to all and thus need no derivation.

And yet, we saw in Chapter 2 that Hegel reads Kant's theory of moral motivation as intractable. Moral action is always driven by reflective recognition of the universality of a moral law, never by our particular inclinations, natural or reformed. For Kant every moral act is in this sense a first. Driving every moral action is an abstract moral law. Against this position, Hegel claims that our inclinations can be rationally reformed by the education of a life within a just society. Action can be moral without holding a universal moral command reflectively in mind. Action can be moral and immediately concrete. This difference in views of our moral psychology is the first part of the articulation of our opening dilemma: Is moral action always driven by the abstraction of the moral law or is it incarnate in our concrete lives?

In Chapter 3 we turned to the second part of the divergence between Kant and Hegel. Both Kant and Hegel understand that the particular content of morality is given to us in the social and political form of life we share. To this Hegel adds the demand that we articulate the conditions of the foundation of an ethical form of life. The heart of the book is Hegel's conception of the founding act of ethical life: The unwitting and thus violent act that stands as the foundation of an ethical form of life necessarily meets with the violent incomprehension of the society it transforms. This demand to articulate the conditions of the foundation or transformation of ethical life reveals Kant's moral theory to be conservative, precisely because it is grounded in its concrete present and proscribes revolutionary change. And it is Hegel, surprisingly, who develops the abstract conception of the revolutionary founding of a new form of life. Chapter 4 further claimed that this abstract moment in Hegel's practical philosophy is a decisive, yet unseen part of his discussion of the rationality of the actual. Hegel insists that moral reason is given to us as an actual form of ethical

life. But precisely this leaves necessarily abstract that part of moral reason that is not yet actual.

Yet Hegel's concept of a founding act of ethical life does not remain an empty abstraction. Chapters 5 and 6 revealed that Hegel sees the French Revolution and the Reign of Terror, the Napoleonic wars and their aftermath as the founding moment of modern ethical life; reason is incarnate in the modern state. This, though, is not the conclusion of the matter. For Hegel's philosophy of history ends before this founding, thus leaving the question open. And Hegel's political philosophy ends by generalizing his view of the Revolution and the wars of his times: The ethical moment of war—any war—is the destruction of ethical life and the possibility of a new foundation. The conclusions of Hegel's political philosophy and philosophy of history end with the necessary abstraction of any attempt to grasp the part of the rational that is not yet actual.

On the reading I have presented, Hegel's practical philosophy is open-ended. Its articulation of reason's actuality in the political present is not the complete articulation of reason. Hegel's practical philosophy ends on a note of abstraction. This must come as a surprise to us. For his line of thinking begins precisely as a criticism of the abstraction of Kantian morality. Does the end of Hegel's practical philosophy leave us in a better position philosophically? Or is it vulnerable to charges similar to the criticism Hegel directs at Kant? If it does leave us in a better position, in what way is this position better?

On the reading I offered Hegel does more than criticize the abstraction that so often plagues moral life. He also reveals the conceptual and historical necessity of these moments of abstraction. When a form of life lies in ruins—for Antigone and Napoleon, in the violence of revolution or war—moral thought cannot be guided by the concrete ethical form of life people share. For the life shared has been destroyed. We might well characterize the tragedy of Antigone and the world-historical individual as the necessity of acting on the abstraction of the moral law. Indeed, Hegel speaks of the ideal of freedom of the French Revolution and its aftermath as “*negative* freedom or the freedom of the void [*die Freiheit der Leere*]” (PR §5R); acted upon this empty abstraction becomes “the fanaticism of destruction, demolishing the whole existing social order, eliminating all individuals regarded as suspect by a given order, and annihilating any organization

which attempts to rise up anew” (PR §5R; and see again, PR §258R). Hegel’s practical philosophy begins by criticizing the Kantian conception of our moral psychology for making our only moral motives formal laws. Yet, the end of his philosophy stakes the necessity of acting on the abstraction of the moral law. The tragedy of the world-historical individual is the tragedy of indeterminateness or abstraction. In such moments the moral law cannot guide action, because it is empty of any determinate content. As Hegel says of Schiller’s Wallenstein: “his higher [*erhabene*], self-sufficient soul plays with the greatest end, and, for this reason, it is without character and can grasp no end” (OW 619). The violence of the moment of revolutionary, world-historical change is the clash of the blind forces of the content that has lost the power of sight of universal reason:

... it is not the universal Idea which enters into opposition, conflict, and danger; it keeps itself in the background, untouched and unharmed, and sends forth the particular interests of passion to fight and wear themselves out in its stead. It is what we may call the *cunning of reason* that it sets the passions to work in its service, so that the agents by which it gives itself existence must pay the penalty and suffer the loss. (LPH 89; see also, EL §209)

The interpretation I am offering of Hegel’s practical philosophy and its extant interpretations are not mutually exclusive. Their relationship is better described as complementary. More precisely, I think the interpretation I offer has the distinct advantage of revealing how the entire range of divergent interpretations of Hegel’s practical philosophy is generated. Attention to Hegel’s careful analysis of how the political reality of his present is rational reveals the grounds of the politically conservative right-Hegelian reading of his practical philosophy. It explains, moreover, Hegel’s incontestably conservative claims, for example, about women and the reality of slavery. Attending more carefully to the divergence between the political reality of his present and Hegel’s analysis of the modern state in the *Philosophy of Right* supports the reformatory reading of the Hegelian center. More surprising is the fact that on the reading I offer the revolutionary call of the Hegelian left might be heard within Hegel’s own philosophy, as I will suggest at greater length in the last section of this chapter. For attention to the fact that the rational is not, in Hegel’s view, fully actual reveals that the end of his philosophy opens to the future. His conception of the founding act of ethical life explains why rational analysis of the political

present cannot guide us into this future. The idea of our moral future remains perfectly abstract. The tragic violence of its foundation is the tragedy of action in the destruction of ethical life. The reading I am defending shows Hegel to be much closer to Marx, or better, Marx much closer to Hegel than usually thought. The three important factions of Hegel interpretation offer us only a partial view of his practical philosophy precisely because they do not attend to the claims made on moral thinking by the ideals of both concreteness and abstraction.

## 2. The Founding Myth of Practical Philosophy

The concept of the founding act of ethical life is a paradoxical one. This fact is no small part of the explanation of how it has remained undiscovered in Hegel's text. But Hegel's practical philosophy, I want to claim, is not the first work of philosophy from the ground of which it can be unearthed. Indeed, the paradox of the foundation of the political sphere is as old as philosophy itself and the founding text of practical philosophy, namely, Plato's *Republic*.

The paradox of founding freedom as an actual, shared form of life was characterized above as following. Action finds its significance within an actual, shared form of life. It takes part in this form of life and gains recognition within it. Within it the moral motive of agents is their second nature, nature reformed by the education of that society. The founding act of ethical life is therefore necessarily unwitting, for its agents cannot find their motive—they cannot be educated—within a form of life yet to be founded. The founding act is condemned to pass unacknowledged. It gains significance only in the form of life it first founds.

We saw in Chapter 6 that the immediate context of Hegel's dictum "What is rational is actual; and what is actual is rational" is a discussion of Plato, more particularly of Plato's taking philosophical action against the emerging principle of modernity, the principle of subjective freedom. Thus, Plato is characterized—and this is a point to which we will return in the next section—as acting unwittingly in revolutionary times (PR Preface, p. 20). I propose to turn to the moment of birth of political philosophy—without attributing this turn to Hegel, for whom Plato's *Republic* is the systematic denial of the revolutionary principle of subjective freedom (PR

§185R)—and claim that the education of the guardians in the *Republic* and particularly the education's concluding myth of autochthonous origin posits the paradox of the founding act of ethical life.

The construction of the just city in speech begins with Glaucon's and Adeimantus's demand that Socrates reveal the force that justice has even when it is removed from the world of humans and gods. Differently put, the demand is that the words of the teacher have the effect of making justice or the rational actual and to do this without presupposing that reason or the good are already the acknowledged law and the established order. Under the explicit terms of its commission the question of the dialogue becomes a question of education (*Republic* II 366e-67a).<sup>1</sup> These terms, in turn, determine the questionable device to which Socrates resorts to rear the young: the noble lie. The noble lie is false because it does not describe things as they are; and it is noble because it is useful, indeed necessary, to make things become the way they ought to be. The noble lie is explicitly the device by which the rational that is not yet actual is made actual. It carries the weight of the foundation of the polity.

Why is the noble lie necessary? It is necessary to claim that what ought to be is—falsely to describe as fact what ought to be prescribed as moral law—because only the soul shaped in its education by the good is able to know the good for what it is and obey its command; thus, young people are to be brought up upon fine works that will “strike their eyes and ears like a breeze that brings health from a good place, leading them unwittingly [*lanthanēi . . . agousa*], from childhood on, to resemblance, friendship, and harmony with the beauty of reason” (*Republic* III 401c-d). The good must be taken to be established fact to become established fact.

This paradoxical condition is nowhere clearer than when Socrates introduces the last, crowning lie in the education of the guardians: the myth of autochthonous origin. Its express function is to transform itself and all the preceding formative lies into truth and justice.

I'll tell it then, though, I don't know where I'll get the audacity or even what words I'll use. I'll first try to persuade the rulers and the soldiers and then the rest of the

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1. Plato, *Complete Works*, ed. J. M. Cooper (Indianapolis: Hackett Publishing, 1997).



city that the upbringing and the education we gave them, and the experiences that went with them, were a sort of dream, that in fact they themselves, their weapons and the other craftsmen's tools were at that time really being fashioned and nurtured inside the earth, and that when the work was completed, the earth, who is their mother, delivered all of them into the world. Therefore, if anyone attacks the land in which they live, they must plan on its behalf and defend it as their mother and nurse and think of the other citizens as their earthborn brothers. (*Republic* III 414d)

The express function of the myth is to transform the formative process of education in reason into a natural birth. Believing the myth is presented as a necessary condition both of the first foundation of the state and of defending its ground. Strikingly, blindness to the originary act of founding the state is presented by Plato as the necessary condition of grounding the political realm. In other words, the act which first founds the state and so makes the rational actual must remain unknown to its citizens. Only a generation born and educated in a truly just state will hold firmly the ground of its laws. Only a generation for whom the rational has always been actual—for whom the rational is natural—will obey steadfastly its law.

Differently put, the ethical order is acknowledged only in retrospect, after its unwitting foundation. This formulation too can be gleaned from the text. The myth of autochthonous origin suggests that the advent of the state is always a second advent. The state must appear first in invisible deed and only then in word. After producing the first likeness of the just state (the so-called city of pigs), created to satisfy natural needs, Socrates, we recall, is forced by Glaucon to produce the bloated state of luxury. The rest of the *Republic* can be read as the road of rational argument back to the first, unrecognized just state. It is striking that Socrates says that the necessity of producing the state a second time, in reason, is the origin of war (*Republic* II 368c–73e).

The rational is not, however, actual. And the birth of the second generation and the acknowledgment of the founded state clearly beg the question of the political foundation of the state and so of making the rational actual. For the second generation is raised within the founded state and the education of citizens within it makes the laws of the state their second nature. It is remarkable that in an early lecture on the philosophy of right Hegel explicitly ascribes this question-begging answer to Socrates

(VPR18/19 568); in the *Philosophy of Right* he ascribes the answer to a Pythagorean: “When a father asked him about the best way of educating his son in ethical matters, a Pythagorean replied: ‘Make him a *citizen of a state with good laws*.’ (This saying has been attributed to others.)” (PR §153R). The decisive question is, of course, whether the first generation can believe the myth of autochthonous birth.

So, do you have any device that will make our citizens believe this story?

I can’t see any way to make them believe it themselves, but perhaps there is one in the case of their sons and later generations and all the other people who come after them. (*Republic* III 415c–d)

The explicit answer Socrates gives here is negative. Indeed, the last book of the *Republic* ends with the attempt to banish falsehood in the form of poetry from the city. And poetry, of course, is the noble lie upon which the guardians were educated (*Republic* II 376e–77a). The banishment of poetry is followed—impossibly—by a myth. The myth of Er, like the myth of autochthonous origin, leaves every generation a first in the education of the soul and the pursuit of justice. For Er, relating his experiences of the afterlife, tells that before birth every soul passes through the plain of Forgetfulness [*to tēs Lēthēs pedion*] and drinks from the river of Unheeding [*ton Amelēta potamon*] (*Republic* X, 620e–21a). The lessons of the life lived and the original choice that determines the future life of the soul on earth are forgotten.

### 3. The Last Act of Practical Philosophy

It may ultimately be most accurate to characterize Hegel’s conception of the founding act of ethical life as *describing* the logical conditions of such founding. And yet, to offer an analysis of the concept as well as an articulated historical example of such an act is not to reveal the rationality of the actual in the sense thought to be definitive of Hegel’s philosophical work. For the founding act itself is not actual, not in the ordinary sense in which a founded, shared way of life is actual; nor might describing its conditions be revealing its rationality in the ordinary sense. We saw in Chapter 6 that Hegel calls the French Revolution and its aftermath “the actual revolution of the actual\*” (PhS §582). It is only in the paradoxical senses in

which the Revolution is actual, and an account of it rational, that the analysis of the founding act reveals the rationality of the actual. It is therefore a different sort of philosophical duty that Hegel has taken upon himself and that we are considering.

I will try, in conclusion, to characterize differently this act of philosophy. I propose to return to the persistent question of the performative force of Hegel's practical philosophy and ask what force we are to attribute to the discussion of the founding act of ethical life. It is not, I will claim, adequately characterized as descriptive. There are texts that quite strongly support attributing to Hegel a more complex view of the work of philosophy. He seems to suggest—if only by implication and mostly in letters and addressing the audience of his students—that it applies to his own philosophy. I will suggest we try to think of Hegel's conceptions of the founding act of ethical life and the ethical moment of war not as *describing* the condition of founding freedom alone, but as also *sounding the tragic, utterly abstract or empty call to found freedom*.

Like the paradox of the founding act of ethical life, the question of the performative force of practical philosophy is raised explicitly in Plato's *Republic*. We saw that when Glaucon and Adeimantus commission the dialogue they specify very precisely the mode or force it is to have. No one, says Adeimantus, has ever adequately said that justice is the greatest good. For, if anyone had, this conviction would have come to shape actual ethical life. Thus, he demands that Socrates speak in a way that has actual effect: "Don't, then, give us only a theoretical [*tōi logōi*] argument that justice is stronger than injustice, but show what effect each has because of itself on the person who has it—the one for good and the other for bad—whether it remains hidden [*lanthanēi*] from the gods and human beings or not" (*Republic* II 367e; see also, *Republic* II 357a–67e). The charge is to show the force of justice to make itself actual, even if it is unacknowledged.

We saw, however, that it is possible to know justice and to act in acknowledgment of its moving force only after its foundation and within its sphere. It is noteworthy that Socrates says several times that he is discussing only the pattern or abstract form of education. The content of the tuition of the guardians must await knowledge of justice and so the foundation of the polity: "Then we'll agree about what stories should be told

about human beings only when we've discovered what sort of thing justice is and how by nature it profits the one who has it, whether he is believed to be just or not" (*Republic* III 392b; see also, *Republic* II 378e, 380c; *Republic* III 403e). Socrates insists moreover that he is constructing a city "in theory [*logōi*]" (*Republic* II 369a; see also, *Republic* II 369c, 376d), despite Adeimantus's explicit appeal for an argument that is not merely theoretical but has constructive force. For the founding text of practical philosophy making the rational actual is imperative and impossible. I want to suggest we try to think of the distinctive speech act of practical philosophy as the *impossible imperative to make the rational actual*.

I claimed that Plato and Hegel formulate the paradox of the foundation of freedom in the following way. An ethical order must have its ground in a natural order. Impossibly, to make the rational actual the rational must already be actual. Precisely this explains why the act of founding the ethical realm of the future takes the guise of describing a presently existing state. The founding act of the first generation—making the world what it ought to be—appears as the education of the second generation—teaching the young how things are. It is remarkable that we find the constitution of a new ethical order presented as merely describing an age-old, indeed natural or divine order already existing in the very idea of natural law and in the very term 'revolution.'<sup>2</sup> We find it too in founding political acts such as the British Bill of Rights, the French Declaration of the Rights of Man and the Citizen and the Universal Declaration of Human Rights, but most clearly where the representatives of the United States of America "Publish and Declare, That these United Colonies are, and of Right ought to be, Free and Independent States."<sup>3</sup> The Declaration of Independence, the act which first founds the American colonies as free and independent

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2. Rachum traces the history of the term 'revolution' in political discourse from its fourteenth-century Italian origin to its use in seventeenth- and eighteenth-century England, France and America. His account traces, in particular, the performative force through the history of its use. Rachum, I., "*Revolution*": *The Entrance of a New Word into Western Political Discourse* (Lanham: University Press of America, 1999).

3. *The Declaration of Independence and the Constitution of the United States* (New York: Bantam Books, 1998), 58.

states, presents itself as doing nothing more than describing independent states already found. The most forceful, even violent of speech acts—for it constitutes alone the very sphere of its action—appears as the speech act that claims to make nothing—nothing new—happen.<sup>4</sup>

The reading I have presented in the book nowhere claimed to dispel or resolve the paradox of founding freedom. Indeed, I have throughout suggested that Hegel means to reveal the paradoxical origin of a new form of life. But the paradox might be presented to greater effect by making it a paradox that addresses our own practical lives. The analysis explained why in moments of ethical crisis the duty to act on the highest moral law or the highest ideal of freedom condemns us to act outside any constituted order of social and political institutions and acknowledged laws. In such dark times our charge is action on a theoretical abstraction and we are condemned to act violently alone. Perhaps we are to read—addressing us—this categorical imperative in Hegel's work: Where freedom lies in ruins there a new life of freedom ought to be founded! The injunction is, of course, empty. It does not resound in our particular present shape of ethical life and is therefore impossible to obey. Indeed, reasons for action are precisely what Antigone or Napoleon or, more generally, a world-historical individual does not have and cannot give.<sup>5</sup> The founders of freedom do

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4. See, Cavell, S., "Finding as Founding: Taking Steps in Emerson's 'Experience,'" in *This New Yet Unapproachable America: Lectures after Emerson after Wittgenstein* (Albuquerque: Living Batch Press, 1989); Derrida, J., "Declarations of Independence," *New Political Science* 15 (1986); "Force of Law: The Mystical Foundation of Authority," in *Deconstruction and the Possibility of Justice*, ed. D. Cornell, M. Rosenfeld, D. G. Carlson (New York: Routledge, 1992).

5. The relation of the figure of Antigone to war and specifically to Napoleon finds support in the following three points. First, the 1814 letter we examined above (see, Chapter 6, 3, The French Revolution and the Napoleonic Wars) speaks of the impassive chorus that survives the tragic hero it destroys. The chorus represents the state and its acknowledged laws. But the laws are founded by the unacknowledged action of the hero. The clash is between the founding act of the political realm and the state it founds. This is a reference to The Spiritual Work of Art section in the *Phenomenology* (PhS §§727–47). But this section itself depends on the earlier, crucial discussion of tragic action in the *Phenomenology*. Hegel explicitly refers back to the earlier discussion (PhS §736). The letter then refers obliquely to the tragedy of Antigone. Second, a succinct formulation of Hegel's

not, in Kant's terms, act from duty (*aus Pflicht*) to found freedom, but unwittingly, if in conformity with duty (*pflichtmäßig*). And yet, I want to suggest that sounding this impossible categorical imperative might be the distinctive act of practical philosophy.

Hegel's discussion of the founding act of ethical life and the ethical moment of war, I am suggesting, might be thought of as the call to found freedom, the call to make the rational actual. The act of founding freedom, we saw, is no ordinary act. Lying outside the sphere of meaningful action and its acknowledgment, it is an act that appears on no public stage. But speaking of a call to action is also misleading. For a call to action is itself an action; it is itself part of the articulated sphere of acts and their meaning. The call to found freedom resembles an ethical norm. It calls for action. But it differs from an ethical norm in not being part of an acknowledged order of values and calling for no particular act. I suggest then that the call to found freedom responds to the destruction of freedom and calls—abstract, hollow—for response. It is recognizing the cry of an ethical catastrophe and transmitting this call. It calls to Antigone to bury her dead brother so that his “ultimate being, too, shall not belong solely to Nature and remain something irrational, but shall be something *done*” (PhS §452). It calls for the action Hegel characterizes in his discussion of the ethical moment of war as making something, for the first time and unwittingly, “a work of freedom . . . something ethical in character” (PR §324R).<sup>6</sup>

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view of war appears in the *Phenomenology*, in the sections where he analyzes Antigone's tragic action (PhS §455). Third, we saw above that the discussion of Absolute Freedom and Terror applies both to the French Revolution and to the Napoleonic wars (see, Chapter 6, 3, The French Revolution and the Napoleonic Wars). Translated into the structure of the *Phenomenology* this means that it should be read again at the very end of the Spirit part, the last three sections of which are devoted to Kantian and post-Kantian moral views. (Note that the transition to these sections is explicitly said to be analogous to the transition to the Faith and Pure Insight section [PhS §§527–37], the first of the former three sections [see, PhS §595].) Thus, both Napoleon and Antigone are figures who effect the move beyond Kantian morality and the discussion of both follows a discussion of Kant.

6. My thinking on what I refer to here as the ‘call’ to found freedom and especially its transitive nature is deeply indebted to Peretz. See, Peretz, E., *Literature, Disaster, and the Enigma of Power: A Reading of ‘Moby Dick’* (Stanford: Stanford University Press, 2003).

To read Hegel's philosophy as sounding a call for action in view of the world-historical events which shape his time and our own still is to break with the common agreement that it aims to offer theoretical knowledge only. It is to take it as ending with a distinct form of political action. It does not call for a particular, historically determined political act. Rather, it gives voice to the utterly abstract categorical imperative to *make the rational actual*. This empty and so impracticable injunction prescribes no particular action. Taking Hegel to sound the call to found freedom responds to the age-old charge that philosophy makes nothing happen and explains why it cannot—as philosophy—act to determine the future. It explains why philosophy seems to offer theoretical knowledge only, but also why, perennially, this is a cause of disillusionment with philosophy. And yet, it is to take Hegel to have preceded Marx in claiming that the truth of practical philosophy is finally told in action.

Do echoes of the revolutionary cry to found freedom resound in Hegel's text? Or does philosophy—"its own time comprehended in thoughts" (PR Preface, p. 21; see also, LHP20/21 49–50)—always come too late to play a part in making the world what it ought to be?

It is important, in conclusion, to note here that Hegel very explicitly gives two different and complementary answers to the question of what philosophy is or does. Philosophy has two modes. The first is very familiar to us from the discussion of the actual and the rational in Chapter 4 and from the review of the extant interpretations of Hegel's discussion of war in Chapter 5. The task of philosophy is to reveal the rational structure of present political actuality and it must refrain from telling the world "how it ought to be, but is not" (EL §6R).

There is, however, a second answer Hegel gives. Strikingly, it applies to the very historical moments we have been considering. These moments are precisely '*actual* revolutions of the actual.' First, it is Socrates whom Hegel describes as enacting the revolutionary principle of reflection that proves to be the downfall of Athens (H-Werke 12 329–30). This is also the example, we saw above, that precedes the dictum of the rational and the actual in the Preface to the *Philosophy of Right*. It is worth underscoring that the discussion of Plato and the dictum are introduced there in order to dispel the misunderstandings concerning "*this very relation of philosophy to actuality*" (PR Preface, p. 21). The second example is the French Revolution.

It has been said that the *French Revolution* arose out of philosophy, and it is not without reason that philosophy was [once] called ‘worldly wisdom’ [*Weltweisheit*]; for it is not only truth in and for itself, as pure essentiality, but also truth in so far as it comes to life in the secular world. We should not therefore take issue with the assertion that the Revolution received its first impulse from philosophy. But this philosophy is at first only abstract thought, not concrete comprehension of absolute truth, which is immeasurably different. (LPH 213–14)

It is then as “at first only abstract thought” that philosophy “comes to life in the secular world.” Indeed, this passage is incontestably the equivalent of the pivotal *Philosophy of Right* passage on the Revolution which we examined in detail in Chapter 6.<sup>7</sup> There Hegel explicitly names Rousseau as the Enlightenment philosopher whose abstract notion of the will and the state inspired the Revolution. The passage, recall, goes on to say the following:

... when these abstractions were invested with force\* [*Gewalt*], they afforded the tremendous [*ungeheure*] spectacle, for the first time we know of in human history, of the overthrow of all existing and given conditions within an actual [*wirklichen*] major state and the revision of its constitution from first principles and purely in terms of *thought*; the *intention* behind this was to give it what was *supposed* to be a purely *rational* basis. On the other hand, since these were only abstractions divorced from the Idea, they turned the attempt into the most terrible and drastic event. (PR §258R)

The abstractions invested with force of which Hegel is speaking are precisely the abstractions of philosophy.<sup>8</sup>

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7. The correspondence of the passages is indisputable:

... it was the achievement of Rousseau to put forward the *will* as the principle of the state, a principle which has *thought* not only as its form (as with the social instinct [*Sozialitätstrieb*], for example, or divine authority) but also as its content, and which is in fact *thinking* itself. (PR §258R)

In this way, a *principle of thought* was discovered for the state—no longer just some principle based on opinion, such as social impulse [*Sozialitätstrieb*], the need for security of property, etc., nor on piety, like the divine appointment of authority, but the principle of certainty, which is identity with my self-consciousness. (LPHI 213)

8. The traditional threefold division of answers to the question of the performative force of Hegel’s political philosophy given by the Hegelian conservative right, reformatory center and revolutionary left is superseded by Forster’s carefully



How then does philosophy act? In the all-too-famous formulation of his answer—returning one last time to the Preface to the *Philosophy of Right*—Hegel says the following:

A further word on the subject of *issuing instructions*, on how the world ought to be: philosophy, at any rate, always comes too late to perform this function. As the

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researched and articulated answer. According to Forster, three different views are found in Hegel's corpus. First, until the mid-1790s Hegel believes that the ideas of philosophy would more or less automatically reform the actual world. This view is replaced by the end of the 1790s, prominently in *The German Constitution*, by the second view: The ideas of philosophy often face opposition and are threatened with distortion or extinction; philosophy, therefore, can be politically effective only through the education of a world-historical individual (the early Jena view) or, not through education, but in conjunction with a world-historical individual (the late Jena view). For the third view, formulated most prominently in the Preface to the *Philosophy of Right*, philosophy offers only a description and analysis of the past and present and effects no political change. As Forster emphasizes, the latter two views do not contradict one another. They stand for two different moments of philosophy: In the first, philosophy takes part in the birth of a new form of life; in the second, it presents the rationality of the mature form. Forster holds, moreover, that by the time of the *Philosophy of Right* Hegel thinks that reason has already been made actual. See, Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 486–97.

Against this last claim I have argued at length. I hold that both a version of the second view and the third view are still found in Hegel's characterizations of his own philosophy even in his very last lectures. The concept of the tragic founding of a new form of life is usefully thought of as a development of the late Jena version of the second view Forster identifies. Forster is right to point out that in his Jena period Hegel is still forming his view of these matters. The view that philosophy can effect political change peacefully through the education of a great man is modelled on the example of Alexander. Later, we know, Alexander is explicitly named as an example of a world-historical individual who meets with a violent end: "they die early like Alexander, are murdered like Caesar, or deported like Napoleon" (LPH 85). In the important 1801–1802 text on logic and metaphysics which Forster cites, Hegel distinguishes the leaders who "grasp with vigor and truth the ideal of the level which the ethical nature of man can now reach" and the leaders who "grasp only one end of the task and advance it." Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 587. On my interpretation, Hegel comes to think that the former possibility is untenable. Bubner too claims that philosophy's interpretation of its time is best compared with the role played unwittingly by world-historical individuals. Bubner, R., "Hegel and the End of History," in *Bulletin of the Hegel Society of Great Britain* 23–24 (1991).

*thought* of the world, it appears only at a time when actuality [*Wirklichkeit*] has gone through its formative process and attained its completed state. This lesson of the concept is necessarily also apparent from history, namely that it is only when actuality has reached maturity that the ideal appears opposite the real and constructs this real world, which it has grasped in its substance, in the shape of an intellectual realm. When philosophy paints its grey in grey, a shape of life has grown old, and it cannot be rejuvenated, but only be recognized [*erkennen*], by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk. (PR Preface, p. 23)<sup>9</sup>

Philosophy cannot issue instructions as to how the world ought to be. It cannot prescribe to the present a future it alone sees. But perhaps it does not merely describe its present either. To paint the gray of the present in gray is not merely to describe the present. It is to describe a shape of life grown old.<sup>10</sup> Is this description—this painting-in-gray—the calling of a new life? Does philosophy sound the cry of the present to found a new future, the cry of the present to found freedom? Does it sound the call to make actual the rational that is not yet actual, the call for the ‘*actual*’ revolution of the actual’?

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Finally, it is interesting to ask when Hegel begins to see clearly the tragic logic governing the foundation of a new form of life. The moment of revelation might well have occurred at the very end of 1800; its immediate cause, Hegel’s reading of Schiller’s *Wallenstein*. Recall here the opening sentence of Hegel’s *The German Constitution*: “Germany is no longer a state” (GC 6 and passim) and its concluding claim that an event such as the unification of Germany “has never been the fruit of deliberation but only of violence\* [*Gewalt*]” (GC 100). According to Harris, the former phrase first appears as a marginal comment—and alters Hegel’s earlier hopeful pronouncements about the future of Germany—in the winter of 1800–1801. Harris, H. S., *Hegel’s Development: Towards the Sunlight, 1770–1801* (Oxford: Clarendon Press, 1972), 438. Strikingly, Schüler dates Hegel’s very important and often overlooked text “On Wallenstein” (H-Werke 1 618–20), which contains in a nutshell Hegel’s view of the tragic fate of the world-historical individual, at the end of 1800 or the beginning of 1801. Schüler, “Zur Chronologie von Hegels Jugendschriften,” 133. See my, “Is Art a Thing of the Past? The Political Work of Art between Hegel and Schiller.”

9. See also, VPR19/20 52; LHP20/21 26; LHP23/28 113.

10. With this claim Weil ends his book on Hegel’s political philosophy. Weil, E., *Hegel and the State*, trans. M. A. Cohen (Baltimore: Johns Hopkins University Press, 1998). See also, Avineri, *Hegel’s Theory of the Modern State*, 129–30; Peperzak, *Philosophy and Politics*, 115–17.

In the conclusion of his 1806 lectures on the phenomenology of spirit and logic Hegel seems to give voice to this very call.

This, my gentlemen, is Speculative philosophy, to the extent that I have advanced in developing it. Consider it a beginning of philosophizing which you are to continue further. We find ourselves in an important epoch, a fermentation, in which Spirit has made a move, has developed beyond its preceding shape, and wins a new shape. The whole mass of previous representations, concepts, the bonds of the world, are dissolved and collapse inwardly like a dream image. A new progression of Spirit is in the making. Philosophy primarily has the task of greeting its appearance and acknowledging it, while others, resisting it powerlessly, stick to what is past, and most constitute unconsciously the substance of its appearance. But philosophy must recognize it as the eternal and render it its due honor. Commending myself to your kind memories, I wish you pleasant holidays.<sup>11</sup>

Here philosophy is clearly given an active role in the impending revolution of the world, admittedly not as the very origin of change but as first recognizing it. Philosophy is the herald of the new world.

Nor is this the only address that assigns to philosophy—thus, but only by implication, taking on itself—an active duty in the future of freedom. Famously, Hegel describes his times, in the Preface to the *Phenomenology of Spirit*, as a “birth-time and a period of transition to a new era” (PhS §11); it is the twilight that will be “cut short by a sunburst which, in one flash, illuminates the features of the new world” (PhS §11). In the Introduction to the 1825–1826 lectures on the history of philosophy Hegel says:

But philosophy does also stand above its time, i.e., makes it an object set over against itself, its content is the same as the content of the time, but, as knowledge of this content, it is away above it. This, however, is only formal, and in fact philosophy has no other content but that of the time.

This very knowledge is of course the actuality [*Wirklichkeit*] of spirit—I am\* only to the extent that I know myself. So the difference of form is also a real and actual [*realer, wirklicher*] difference. Thus it is this knowledge which produces a new form in the development of spirit. Developments in this sphere

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11. This text is taken from Hegel's 1806 lectures on phenomenology of spirit and logic and appears in Rosenkranz, *Hegels Leben*. The translated passage is quoted from Forster, *Hegel's Idea of a 'Phenomenology of Spirit,'* 611.

are merely ways of knowing. By this self-knowledge the spirit differentiates itself from what it *is*\*; it makes itself an object to itself and develops itself within; this entails a new difference between what it is implicitly and what it is actually [*Wirklichkeit*], and in this way a new formation of the spirit emerges. Thus philosophy in itself is already a further determination or\* characterization of the spirit; it is its inner birthplace which later appears as actuality [*Wirklichkeit*]. (LHP<sub>23/28</sub> 112)<sup>12</sup>

At the very end of his Berlin *Lectures on the History of Philosophy* Hegel more directly addresses his students—among them future guardians of the state—and gives full voice to the injunction of philosophy.

I have tried to develop and bring before your thoughts this train of spiritual forms of philosophy in its progress, and to suggest the connection between them. This series is the true *realm of spirits*, the only spiritual realm there is; it is a series which is not a multiplicity, nor does it even remain a series in the sense of one-following-another; but in coming to the knowledge of itself it makes itself into moments of the *one* spirit, the *one* and the same present spirit. And this long train of spirits are the individual pulses [*Pulse*] spent in its life; they are the organism of our substance. When the mole within us burrows on, we have to heed its demand and give it actuality [*Wirklichkeit*]; they are an absolutely necessary progression, which expresses nothing but the nature of spirit itself, and which lives in us all. I hope that this history of philosophy shall sound for you a call to grasp the spirit of the time, present in us naturally, and—each in his own place—pull it out of its natural condition, i.e., seclusion and lifelessness, and consciously bring it into the light of day. (H-Werke 20, 461–62)

The call to found freedom sounds in the depths of the ethical void of war and revolution. It sounds wherever ethical life lies in ruins. It is

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12. See also, Hegel's 1801–1802 text on logic and metaphysics quoted by Forster. Forster, *Hegel's Idea of a 'Phenomenology of Spirit'*, 588. Hegel lectured on the history of philosophy nine times, at Jena (1805–1806), Heidelberg (1816–1817, 1817–1818) and Berlin (1819, 1820–1821, 1823–1824, 1825–1826, 1827–1828, 1829–1830). The lectures he began giving in November 1831 were cut short after two meetings by his death. Michelet's compilation (first published in 1833 and reprinted in the Suhrkamp edition; a second, compact edition was published in 1840–1844) draws from transcriptions of the 1823–1824, 1825–1826 and 1829–1830 lectures. Michelet himself testifies that in Berlin Hegel still relied to a great extent on his Jena manuscript (H-Werke 20, 521). Michelet, but no later editor, had possession of this manuscript.

Hamlet's ghost and the duty Antigone performs.<sup>13</sup> The voice of the nether-world resounds in philosophy and addresses us all. It is world-historical individuals and their ranks who unwittingly answer the tragic call dooming them to sow the future in violence.

Where does that leave us, the progeny of Plato, Kant and Hegel? It seems no less evident today that the foundation of freedom is a present duty than it was to Hegel. And yet, it is also evident that substantial ethical progress has been made after Hegel. Does this not leave Hegel finally with only a limited view of history and so of philosophy? Does not the call to found freedom which Hegel's philosophy perhaps sounds finally address only a particular stage in the development of freedom? The answer, I think, is yes and no. As political action Hegel's philosophy can only paint the gray of a particular present in a particular shade of gray. But Hegel, I think, grasped the timeless, merely formal logic of this historical process. All theory is gray.<sup>14</sup> No image captures it better than Hegel's image for philosophy: a circle composed of circles (SL 842; LHP23/28 80). Each founding stage in history—and so in philosophy—constitutes a circle. After going through the 360 sections of the *Philosophy of Right* we end up in the present. The present has the force to determine the orientation and lay the foundation of its future and thereby also its past. Each such stage is itself only one circle of the many that make up the greater sphere of history and philosophy. But each one of the smaller circles, and so the greater, is driven by the call to found freedom. The last act of practical philosophy is the first political act. The last act of practical philosophy is the call to found freedom.

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13. Hegel is alluding of course to Hamlet; the mole is the ghost of his father. *Hamlet*, Act I, Scene v, Line 170. The figures of Hamlet and Antigone are juxtaposed in Hegel's treatment of action in the *Lectures on Fine Art*. The "appearance of the ghost in *Hamlet* is treated just as an objective form of Hamlet's presentiment" (LFA 231; see also, LFA 583). It is Antigone who acts on the injunction (LFA 232).

14. This line is from Goethe's *Faust*. *Goethes Werke*, Band III (Hamburg: Christian Wegner Verlag, 1972), line 2038.

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